

Chapter M6: Effects of transition to Universal Credit

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Appendix 1 – Transitional Severe Disability Premium amount

Appendix 2 – Transitional Severe Disability Premium element amounts

Legislation Used in Chapter M6

Abbreviation	Full Title
Welfare Reform (NI) Order 15 (Comm No. 8 etc.) Order 17	The Welfare Reform (Northern Ireland) Order 2015 (Commencement No. 8 and Transitional and Transitory Provisions) Order 2017 No. 190
UC, PIP, JSA & ESA (C&P) Regs (NI) 16	The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations (Northern Ireland) 2016 No. 220
UC (TP) Regs (NI) 16	The Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016 No. 226
WR (NI) Order 15	The Welfare Reform (Northern Ireland) Order 2015 No. 2006
JS (NI) Order 95	The Jobseekers (Northern Ireland) Order 1995 No. 2705
WR Act (NI) 07	Welfare Reform Act (Northern Ireland) 2007
SS (C&P) Regs (NI)	The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 No. 465
HB Regs (NI)	The Housing Benefit Regulations (Northern Ireland) 2006 No. 405
HB (SPC) Regs (NI)	The Housing Benefit (Persons who have attained the qualifying age for State Pension Credit) Regulations (Northern Ireland) 2006 No. 214
TC (C&N) Regs 02	The Tax Credits (Claims and Notifications) Regulations 2002 No. 2014

Abbreviation	Full Title
SS C&B (NI) Act 92	Social Security Contributions and Benefits (Northern Ireland) Act 1992
TC Act 02	Tax Credits Act 2002
SS A (NI) Act 92	Social Security Administration (Northern Ireland) Act 1992
SS (NI) Order 98	Social Security (Northern Ireland) Order 1998 No. 1506
SS (POR) Regs (NI) 88	The Social Security (Payments on account, Overpayment and Recovery) Regulations (Northern Ireland) 1988 No. 142
Child Support, Pensions and Social Security Act (NI) 2000	The Child Support, Pensions and Social Security Act (Northern Ireland) 2000
Tax Credit (Official Error) Regulations 2003	Tax Credit (Official Error) Regulations 2003 No. 692
UC Regs (NI) 16	The Universal Credit Regulations (Northern Ireland) 2016 No. 216
ESA Regs (NI) 08	The Employment and Support Allowance Regulations (Northern Ireland) 2008 No. 280
UC, PIP, JSA & ESA (D&A) Regs (NI) 16	The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations (Northern Ireland) 2016 No. 221
JSA Regs (NI) 16	The Jobseeker's Allowance Regulations (Northern Ireland) 2016 No 218

Abbreviation	Full Title
SS (Credits) Regs (NI)	The Social Security (Credits) Regulations (Northern Ireland) 1975 No. 113
Pensions (NI) Order 95	The Pensions (Northern Ireland) Order 1995 No. 3213
ESA (TP&HB) (EA) Regs (NI)	The Employment and Support Allowance (Transitional Provisions and Housing Benefit) (Existing Awards) Regulations (Northern Ireland) 2010 No. 312
Income Tax (Earnings and Pensions) Act 2003	Income Tax (Earnings and Pensions) Act 2003
AF & RF (Comp Scheme) Order	The Armed Forces and Reserve Forces (Compensation Scheme) Order 2011 No. 2552
IS (Gen) Regs (NI)	The Income Support (General) Regulations (Northern Ireland) 1987 No. 459
ESA (WRA) Regs (NI)	The Employment and Support Allowance (Work-Related Activity) Regulations (Northern Ireland) 2011 No. 265
SS Fraud Act (NI) 01	Social Security Fraud Act (Northern Ireland) 2001
SS (LoB) Regs (NI)	Social Security (Loss of Benefit) Regulations 2002 (Northern Ireland) No. 79
SPC Act (NI) 02	State Pension Credit Act (Northern Ireland) 2002
JSA Regs (NI) 96	Jobseeker's Allowance Regulations (Northern Ireland) 1996 No. 198
Pensions Act (NI) 12	Pensions Act (Northern Ireland) 2012

Chapter M6: Effects of transition to Universal Credit

Introduction

M6001 This Chapter gives guidance on the effect on

1. entitlement to **and**
2. termination of

awards of existing benefits for claimants who are entitled to Universal Credit in the Universal Credit Service Area.

Note: Since 5.12.18, all Northern Ireland postcode districts and part-districts have been converted to Universal Credit Service Areas.

M6002 Guidance is also included on other effects of transition to Universal Credit for claimants in the Universal Credit area, for example where they are entitled to an existing benefit and deductions or sanctions are in place.

Meaning of existing benefit

M6003 Existing benefit means¹

1. income-based Jobseeker's Allowance²
2. income-related Employment and Support Allowance³
3. Income Support⁴
4. Housing Benefit⁵
5. Child Tax Credit⁶
6. Working Tax Credit⁶.

1 UC (TP) Regs (NI) 16, reg 2(1); 2 JS (NI) Order 95; 3 WR Act (NI) 07, Part 1; 4 SS C&B (NI) Act 92, sec 123; 5 sec 129; 6 TC Act 02

M6004 – M6009

Exclusion of entitlement to specified benefits

M6010 Unless M6011 applies a claimant is not entitled to

1. Income Support¹ **or**
2. Housing Benefit² **or**
3. Child Tax Credit³ **or**
4. Working Tax Credit⁴ **or**
5. State Pension Credit⁵

at any time when they are entitled to Universal Credit⁶.

*1 SS C&B (NI) Act 92, sec 123; 2 sec 129; 3 TC Act 02, s 1(1)(a); 4 s 1(1)(b);
5 SPC Act (NI) 02, sec 1; 6 UC (TP) Regs (NI) 16, reg 3(1)*

M6011 M6010 does not apply

1. where Housing Benefit is paid for
 - 1.1 specified accommodation¹ **or**
 - 1.2 temporary accommodation² **or**
 - 1.3 a period of two weeks beginning with the first day of Universal Credit entitlement³ (see M6014) **or**
2. during the first assessment period for Universal Credit where the claimant is a new claimant partner and there is entitlement to⁴
 - 2.1 Income Support where their award ends⁵ after the first day of entitlement to Universal Credit **or**
 - 2.2 Housing Benefit where
 - 2.2.a the new claimant partner leaves the accommodation for which Housing Benefit was paid in order to live with a Universal Credit claimant with whom they are treated as making a joint claim⁶ **and**
 - 2.2.b their award ends after the first day of entitlement to Universal Credit **or**
 - 2.3 Tax Credit where their award ends⁷ after the first day of entitlement to Universal Credit.
3. during the first assessment period for Universal Credit where the claimant is a new claimant partner who
 - 3.1 has reached State Pension Credit qualifying age **and**

- 3.2** is entitled to an award of pension age Housing Benefit or State Pension Credit and the award of pension age Housing Benefit or State Pension Credit ends after the first day of Universal Credit entitlement⁸ **or**
- 4.** where pension age Housing Benefit or State Pension Credit is paid during the final assessment period of Universal Credit for claimants whose award of Universal Credit terminates because they have reached the qualifying age for State Pension Credit⁹.

Note 1: See ADM Chapter M5 (Claims for Universal Credit) for the meaning of new claimant partner and ADM Chapter F2 (Housing costs element) for the meaning of specified accommodation.

Note 2: See ADM Chapter A4 (Supersession, suspension and termination) and ADM Chapter B1 (Payment of Universal Credit, Personal Independence Payment, Employment and Support Allowance and Jobseeker's Allowance) for guidance on supersession of Universal Credit awards for claimants who reach the qualifying age for State Pension Credit.

1 UC (TP) Regs (NI) 16, reg 3(2)(a); 2 UC Regs (NI) 16, Sch 1, para 3; 3 UC (TP) Regs (NI) 16, reg 6(ZA); 4 reg 3(2)(b); 5 reg 5(4); 6 reg 5(5)(b); 7 TC Act 02; 8 UC (TP) Regs (NI) 16, reg 3(2)(b)(ii) & (iv) and 5(5)(b) & (c); 9 reg 3(2)(c)

Example

Sarah has been entitled to Universal Credit as a single claimant since 10.11.18. On 28.1.21 she joins her partner Lee who has reached the qualifying age for State Pension Credit and is entitled to State Pension Credit and pension age Housing Benefit. Sarah and Lee are treated as claiming Universal Credit as joint claimants from 10.1.21, the first day of the assessment period in which they formed a couple. Lee is paid State Pension Credit in arrears, so his award of State Pension Credit ends with effect from the first day of the State Pension Credit benefit week which includes 28.1.21 (the day on which they formed a couple). His award of pension age Housing Benefit ends with effect from the first day of the Housing Benefit benefit week following the benefit week which includes 28.1.21. The awards of Housing Benefit and State Pension Credit do not affect the amount of Universal Credit entitlement.

- M6012** Entitlement to old style Employment and Support Allowance and old style Jobseeker's Allowance ends when a claim to Universal Credit, Employment and Support Allowance or Jobseeker's Allowance is made as this brings into force the abolition of old style Employment and Support Allowance and old style Jobseeker's Allowance¹. See ADM Chapter M5 (Claims for Universal Credit) for guidance on the meaning and abolition of old style Employment and Support Allowance and Jobseeker's Allowance. See ADM Chapters V8 (ESA transition) and S8 (JSA transition) for guidance on when

a former Universal Credit claimant may make a claim for old style Employment and Support Allowance or Jobseeker's Allowance.

Note: See M6127 for when an award of old style Employment and Support Allowance or Jobseeker's Allowance terminates.

1 WR (NI) Order 15 (Comm No. 8 etc.) Order 17, art 6

M6013 Where a new claimant partner is entitled to any of the benefits at M6010 - M6012, see M6101 et seq for detailed guidance on the consequences.

Housing Benefit for temporary accommodation - work allowance

M6014 Where in any assessment period a Universal Credit claimant is entitled to an award of

1. Universal Credit which does not include an amount for housing costs **and**
2. Housing Benefit for temporary accommodation

the amount of the work allowance for that assessment period is to apply as if the award of Universal Credit included an amount for housing costs¹.

Note 1: See Chapter E2 (Benefit Unit, awards and maximum amount) for guidance on the work allowance.

Note 2: See Chapter M5 (Claims for Universal Credit) for when claims for Housing Benefit may be made.

1 UC (TP) Regs (NI) 16, reg 3A; UC Regs (NI) 16, reg 23(2)

M6015 – M6099

Termination of awards of existing benefits

Meaning of the relevant period

M6100 In this section the relevant period means the period

1. starting with the first day of the assessment period during which a Universal Credit claimant and a new claimant partner form a couple **and**
2. ending on the date of formation of the couple¹.

1 UC (TP) Regs (NI) 16, reg 5(3)

New claimant partner

M6101 Where

1. an award of Universal Credit to a claimant is terminated because they have become a member of a couple **and**
2. the other member of the couple was not previously entitled to Universal Credit (i.e. they are a new claimant partner) **and**
3. the couple is treated as having made a claim for Universal Credit¹

all awards of Income Support or Housing Benefit to which the new claimant partner was entitled, during the relevant period, end² as in M6102.

Note: See M6103 - M6104 for exceptions.

1 UC, PIP, JSA & ESA (C&P) Regs (NI) 16, reg 8(8); 2 UC (TP) Regs (NI) 16, reg 5(1) & (2)

M6102 The awards as in M6101 end

1. on the day before the first date of Universal Credit entitlement as joint claimants¹ **or**
2. on the day before what would have been the first day of entitlement if they had satisfied the conditions of entitlement² **or**
3. where an award of Income Support or Housing Benefit is made to a new claimant partner after what becomes the first day of entitlement to Universal Credit, on the first day of entitlement to the award of Income Support or Housing Benefit³.

Note 1: See M6110 et seq for further guidance where the new claimant partner is treated as having claimed a Tax Credit.

Note 2: See M6170 et seq for guidance where the new claimant partner has an on-going appeal about an existing benefit.

1 UC (TP) Regs (NI) 16, reg 5(2)(a); 2 reg 5(2)(b); 3 reg 5(2)(c)

Example

Wayne is entitled to Income Support as a lone parent following his partner's death. He is also entitled to Child Tax Credit and Housing Benefit. On 17.11.17 he is joined by his new partner Gwyneth, who has been entitled to Universal Credit as a single claimant since 10.10.17. Wayne and Gwyneth are entitled to Universal Credit.

Wayne's awards of Income Support, Child Tax Credit and Housing Benefit terminate on 9.11.17.

New claimant partner formerly member of a couple

M6103 Where, during the relevant period, a new claimant partner was a member of a couple and their Income Support award included an amount for their partner, the Income Support award terminates on the date they stopped being a couple unless

1. it terminates on that date for another reason **or**
2. it terminated on an earlier date¹.

1 UC (TP) Regs (NI) 16, reg 5(4)

New claimant partner entitled to Housing Benefit

M6104 The existing award does **not** terminate as in M6102 where

1. it is Housing Benefit paid for specified accommodation or temporary accommodation¹ **or**
2. the new claimant partner leaves the accommodation for which Housing Benefit was paid in order to live with the person at M6101 1.² **or**
3. the new claimant partner has reached the State Pension Credit qualifying age and has an award of pension age Housing Benefit³ (see M6105 for when the Housing Benefit award terminates).

See ADM Chapter F2 (Housing costs element) for the meaning of specified accommodation and temporary accommodation. See Chapter M5 (Claims for Universal Credit) for guidance on the meaning of existing benefit and ADM Chapter E1 (Introduction and entitlement) for guidance on the Universal Credit basic conditions of entitlement.

1 UC (TP) Regs (NI) 16, reg 5(5)(a); 2 reg 5(5)(b); 3 reg 5(5)(c)

M6105 Where the new claimant partner has reached the State Pension Credit qualifying age and has an award of pension age Housing Benefit, the award ends from the first day of the benefit week following the benefit week in which the couple forms¹.

1 UC (TP) Regs (NI) 16, reg 5(5)(c); HB (SPC) Regs (NI) 06, reg 57(10); HB (D&A) Regs (NI) 01, reg 8(2)

M6106 – M6109

Treated as claiming and entitled to a Tax Credit

M6110 Where, immediately before forming a couple with a Universal Credit claimant, the new claimant partner is treated as entitled to a Tax Credit as in M6140 et seq, they are treated as having made a claim for a Tax Credit for the current tax year¹.

1 UC (TP) Regs (NI) 16, reg 5(7) & 9

M6111 Where a claimant is treated as making a claim for a Tax Credit as in M6110, any award made terminates on the day before the first day

1. of Universal Credit entitlement or
2. on which the claimant would have been entitled to Universal Credit if they had satisfied the conditions of entitlement¹.

1 UC (TP) Regs (NI) 16, reg 6(4)

M6112 – M6119

Other claimants

Tax Credits

M6120 Where a claim for Universal Credit is made (other than one which is treated as made¹) all awards of a Tax Credit made to the claimant end on the day before the first day of Universal Credit entitlement or on the day before what would have been the first day of entitlement if they had satisfied the conditions of entitlement². See M6003 for guidance on the meaning of existing benefit and ADM Chapter E1 (Introduction and entitlement) for guidance on the Universal Credit basic conditions of entitlement.

1 UC, PIP, JSA & ESA (C&P) Regs (NI) 16, reg 8(8); 2 UC (TP) Regs (NI) 16, reg 6(1) & (2)

Housing Benefit - transitional housing payment

M6121 Where a claim for Universal Credit is made (other than one which is treated as made¹) irrespective of whether the claim is withdrawn, an award of Housing Benefit to which a Universal Credit claimant is entitled on the day on which an award of a Tax Credit would terminate as in M6111 or M6120 ends on the last day of the two weeks beginning with the day after that day².

Note 1: This applies whether or not the Universal Credit claimant is also entitled to a Tax Credit.

Note 2: The award does not end where it is Housing Benefit paid for specified accommodation or temporary accommodation³.

1 UC, PIP, JSA & ESA (C&P) Regs (NI) 16, reg 8(8); 2 UC (TP) Regs (NI) 16, reg 6(1) & (2A); 3 reg 6(3)

Example 1

Nicola is entitled to Income Support, Child Tax Credit and Housing Benefit as a lone parent. Her daughter Jessica reaches age 5 on 15.5.18, and Nicola claims Universal Credit from that date. Nicola's award of Child Tax Credit ends on 14.5.18, the day before her award of Universal Credit begins. Her awards of Income Support and Housing Benefit ends on 28.5.18, two weeks after the award of Universal Credit begins.

Example 2

Andy is entitled to Housing Benefit and works in a local shop. His job ends on 8.6.18 when the shop closes, and he is paid one week's wages in lieu of notice. Andy claims and is awarded Universal Credit from 11.6.18. His award of Housing Benefit remains in payment up to and including 24.6.18.

M6122 Where a transitional housing payment is made as in M6121, for the purposes of Housing Benefit the claimant is treated as entitled to Universal Credit for the period of the payment, even if no decision has been made on the Universal Credit claim¹.

1 UC (TP) Regs (NI) 16, reg 6A(a)

M6123 Where

1. a transitional housing payment is made as in M6121 **and**
2. the claim for Universal Credit is made because the claimant moves to a new home in a different district

Housing Benefit is paid directly to the claimant for the period of the transitional housing payment¹.

1 UC (TP) Regs (NI) 16, reg 6A(b)

Income Support

M6124 Where a claim for Universal Credit is made (other than one which is treated as made¹) irrespective of whether the claim is withdrawn, an award of Income Support to which a Universal Credit claimant is entitled on the day on which an award of a Tax Credit would terminate as in M6111 or M6120 ends on the last day of the two weeks beginning with the day after that day². But see M6127 for where the two week run-on does not apply.

Note 1: This applies whether or not the Universal Credit claimant is also entitled to a Tax Credit.

Note 2: Decision makers are reminded that claimants remain entitled to Income Support for the remainder of the benefit week in which they no longer satisfy the conditions of entitlement³ - see DMG 20081.

1 UC, PIP, JSA & ESA (C&P) Regs (NI) 16, reg 8(8); 2 UC (TP) Regs (NI) 16, reg 6(2A);

3 IS (Gen) Regs (NI), reg 4ZA(4)

Example

Dan is a lone parent with two children and is entitled to Housing Benefit, Income Support and Child Tax Credits. Dan is notified that his entitlement to Income Support is due to end on 31.7.20, the last day of the benefit week in which his youngest child reaches age 5. Dan claims and is awarded Universal Credit from 29.7.20. His award of Child Tax Credits ends on 28.7.20, that of Income Support on 31.7.20, and that of Housing Benefit on 11.8.20.

Exception

M6125 The guidance at M6120 - M6124 does not apply where the claim for Universal Credit is made by

1. a single claimant who has reached the State Pension Credit qualifying age **or**
2. joint claimants, both of whom have reached the State Pension Credit qualifying age¹.

1 UC (TP) Regs (NI) 16, reg 6(2B)

Income-based Jobseeker's Allowance and income-related Employment and Support Allowance

M6126 M6012 explains that where a claim for Universal Credit is made or treated as made this brings into operation the abolition of income-based Jobseeker's Allowance and income-related Employment and Support Allowance, and the introduction of Universal Credit¹ from the date the claim is made or treated as made. The award of income-based Jobseeker's Allowance or income-related Employment and Support Allowance terminates from the date the abolition comes into operation.

Note: See Chapter M5 (Claims for Universal Credit) for detailed guidance.

1 WR (NI) Order 15 (Comm No. 8 etc.) Order 17, art 6

M6127 The abolition of income-based Jobseeker's Allowance and income-related Employment and Support Allowance is treated as if it comes into operation up to two weeks after the date in paragraph M6126¹. This means that, where the claimant continues to satisfy the income-based Jobseeker's Allowance or income-related Employment and Support Allowance conditions of entitlement, the award of income-

based Jobseeker's Allowance or income-related Employment and Support Allowance terminates up to two weeks after the date on which the claim for Universal Credit is made or treated as made.

Note: See paragraph M6128 for where the run-on does not apply.

1 UC (MM & Misc Amdts) Regs (NI), reg 4(1)

Example

David is entitled to income-related Employment and Support Allowance for himself and his partner Frances. Frances is entitled to contribution-based Employment and Support Allowance and Housing Benefit. The couple decides to claim Universal Credit on 13.8.20. David's award of income-related Employment and Support Allowance and Frances's award of Housing Benefit terminate on 26.8.20, while Frances's award of contribution-based Employment and Support Allowance becomes an award of new-style Employment and Support Allowance from 13.8.20.

When does the two-week run-on not apply

M6128 The run-on of Income Support, income-based Jobseeker's Allowance or income-related Employment and Support Allowance in paragraphs M6124 and M6127 does not apply to a claim for Universal Credit which is treated as made by joint claimants, one of whom was previously entitled to Universal Credit where that award ended on formation of the couple, and the other of whom was not entitled to Universal Credit as a single claimant¹.

1 UC (TP) Regs (NI) 16, reg 6(1); UC (MM & Misc Amdts) Regs (NI), reg 4(3); UC, PIP, JSA & ESA (C&P) Regs (NI) 16, reg 8(8)

Benefit cap

M6129 Where a claimant, who is a new claimant partner or who has been awarded Universal Credit for a period for which the prescribed time for claiming has been extended¹, is entitled to

1. a welfare benefit² (other than Universal Credit) for all or part of the first Universal Credit assessment period **and**
2. Housing Benefit at any time during the first Universal Credit assessment period, or would be so entitled

those welfare benefits are ignored for the purpose of the benefit cap³. This prevents the benefit cap being applied twice if it has already been applied to Housing Benefit. See ADM Chapter A2 (Claims) for guidance on when the prescribed time for claiming

Universal Credit can be extended and ADM Chapter E5 (Benefit cap) for guidance on welfare benefits.

*1 UC, PIP, JSA & ESA (C&P) Regs (NI) 16, reg 25; 2 WR (NI) Order 15, art 101(1);
3 UC (TP) Regs (NI) 16, reg 7*

M6130 Where the run-on of Income Support, income-based Jobseeker's Allowance or income-related Employment and Support Allowance as in paragraphs M6124 and M6126 applies, any award of those benefits is not included in the list of welfare benefits at E5013 for the purposes of determining the benefit cap¹. See Chapter E5 (Benefit cap) for detailed guidance on when the benefit cap applies.

1 UC Regs (NI) 16, reg 79; UC (TP) Regs (NI) 16, reg 6B(a)

Overpayments

M6131 Where

1. an award of Universal Credit is made to a claimant previously entitled to an existing award (other than a Tax Credit, any Housing Benefit in the form of a rate rebate or a joint-claim Jobseeker's Allowance) **and**
2. there has been an overpayment of the existing benefit in the period
 - 2.1 during which the claimant is not entitled to that benefit **and**
 - 2.2 which is in a Universal Credit assessment period¹

the overpayment is taken into account as unearned income² for Universal Credit purposes. The amount of the overpayment is taken into account in each assessment period for the period for which it is paid. However, the normal rules for calculating unearned income do not apply³. See ADM Chapter H5 (Unearned income) for full guidance on unearned income.

Note: Any amount of an overpayment taken into account as unearned income is not to be recovered as an overpayment under the normal rules for the existing benefit⁴ (see DMG Chapter 09).

*1 UC (TP) Regs (NI) 16, reg 8(1); 2 reg 8(2)(a); UC Regs (NI) 16, reg 66; 3 UC (TP) Regs (NI) 16, reg 8(2)(b);
UC Regs (NI) 16, reg 73; 4 UC (TP) Regs (NI) 16, reg 8(3); SS (POR) Regs (NI) 88;
HB Regs (NI); HB (SPC) Regs (NI)*

Example

Keir is entitled to income-based Jobseeker's Allowance and lives with his parents. He moves in with his partner Ellen on 15.9.18, and he reports this when he attends the Jobs and Benefits Office on 19.9.18. Ellen has been entitled to Universal Credit as a single claimant since 16.1.18. Keir and Ellen are entitled to Universal Credit as joint claimants from 16.8.18.

Keir receives two weeks' payment of income-based Jobseeker's Allowance for the period ending 22.8.18 on 24.8.18, another payment for the period 23.8.18 - 5.9.18 on 7.9.18, and a final payment for the period 6.9.18 - 19.9.18 on 21.9.18. Keir is not entitled to income-based Jobseeker's Allowance from 16.8.18, the first day of Universal Credit entitlement. Income-based Jobseeker's Allowance for the period 16.8.18 - 15.9.18 is taken into account as unearned income for the assessment period ending on 15.9.18, and income-based Jobseeker's Allowance for the period 16.9.18 - 19.9.18 is taken into account as unearned income for the assessment period ending on 15.10.18.

M6132 Any payments of the run-on of Housing Benefit, Income Support, income-based Jobseeker's Allowance or income-related Employment and Support Allowance made as in paragraphs M6121, M6124 and M6127 are disregarded as income for the purposes of Universal Credit. They are not included in the list of benefits regarded as unearned income¹. They are not treated as included in that list² for the purposes of whether there is an overpayment, as the claimant remains entitled during the run-on period (see M6131).

Note: But see paragraph M6133 where a Universal Credit claimant becomes entitled to new style Jobseeker's Allowance or new style Employment and Support Allowance when an award of income-based Jobseeker's Allowance or income-related Employment and Support Allowance terminates. See M5021 for the meaning of new style Jobseeker's Allowance and new style Employment and Support Allowance.

1 UC Regs (NI) 16, reg 66(1)(b); 2 UC (TP) Regs (NI) 16, reg 8

M6133 Where a Universal Credit claimant becomes entitled to an award of new style Jobseeker's Allowance or new style Employment and Support Allowance on the termination of an award of income-based Jobseeker's Allowance or income-related Employment and Support Allowance as in paragraph M6126, the claimant is treated as if they were entitled to new style Jobseeker's Allowance or new style Employment and Support Allowance from the first day of entitlement to Universal Credit for the purposes of calculating unearned income¹.

1 UC Regs (NI) 16, reg 73; UC (TP) Regs (NI) 16, reg 6B(b)

Example

Ranjan is entitled to Housing Benefit and Employment and Support Allowance. Her award of Employment and Support Allowance is made up of contribution-based Employment and Support Allowance of £74.35 personal allowance and £39.20 support component, as well as income-related Employment and Support Allowance of £17.10 Enhanced Disability Premium.

Ranjan decides to claim Universal Credit from 3.8.20. Her income-related Employment and Support Allowance amount of £17.10 weekly continues until 16.8.20 and is disregarded for the purposes of her entitlement to Universal Credit.

Her contribution-based Employment and Support Allowance award of £113.55 becomes new style Employment and Support Allowance from 17.8.20. However, for the purposes of calculating the Universal Credit award, she is treated as having new style Employment and Support Allowance as unearned income from 3.8.20.

M6134 Any payment of pension age Housing Benefit or State Pension Credit paid during the first Universal Credit assessment period where one of the claimants is a new claimant partner who

1. has reached State Pension Credit qualifying age **and**
 2. is entitled to an award of pension age Housing Benefit or State Pension Credit
- is not taken into account as unearned income as in M6131.

State Pension Credit is not retirement pension income, and the claimant remains entitled to pension age Housing Benefit.

Note: See Chapter M5 (Claims for Universal Credit) paragraph M5022 for guidance on the meaning of new claimant partner, and M6101 - M6102 and M6104 for when the award of pension age Housing Benefit ends.

M6135 – M6139

Treated as entitled to a Tax Credit

Introduction

M6140 The guidance at M6145 et seq applies for the purpose of considering whether a person is treated as having made a claim for a Tax Credit for the current tax year¹ (see M6110).

Note: Decisions relating to Tax Credit entitlement for the purposes of new claimant partners will continue to be made by His Majesty's Revenue and Customs. The following guidance is for information only.

1 UC (TP) Regs (NI) 16, reg 9(1), 5(7) & 6(4)

Meaning of tax year

M6141 Tax year means the period

1. beginning on 6 April in one year **and**
2. ending on 5 April in the following year¹.

1 TC Act 02, s 48(1); UC (TP) Regs (NI) 16, reg 2(1)

Meaning of final notice

M6142 Where a claim for a Tax Credit is made, an initial decision is made as to whether an award should be made¹. If an award is made, the Board (see M6027 1.) notifies the claimant or claimants that

1. they are required to
 - 1.1 declare that their circumstances are as specified **or**
 - 1.2 state where their circumstances are not as specifiedby a specified date **or**
2. they are treated as having made a declaration as in 1.1 unless they state otherwise by a specified date².

This is known as a final notice. After the date specified in the final notice, a decision on entitlement for the tax year for which the award was made is given³.

1 TC Act 02, s 14; 2 s 17; 3 s 18

M6143 – M6144

When is a person treated as entitled to a Tax Credit

M6145 A person is treated as entitled to a Tax Credit from the beginning of the current tax year even though a decision has not been made on a claim for that year if

1. the person was entitled to a Tax Credit for the previous tax year **and**
2. any of the cases in M6146 - M6149 apply¹.

1 UC (TP) Regs (NI) 16, reg 9(1); TC Act 02, s 14

Case 1

M6146 Case 1 is where a final notice has not been given to the person in respect of the previous tax year¹.

1 UC (TP) Regs (NI) 16, reg 9(2)(a); TC Act 02, s 17

Case 2

M6147 Case 2 is where¹ a final notice has been issued **and**

1. the date or later of the dates specified in the notice has not been reached and no claim for Child Tax Credit or Working Tax Credit has been made or treated as made² **or**
2. a claim for Child Tax Credit or Working Tax Credit has been made or treated as made before the date or later of the dates specified in the notice, but no initial award has been made on that claim³.

1 UC (TP) Regs (NI) 16, reg 9(2)(b); TC Act 02, s 17(2), (4) & (6); 2 s 17(2) & (4); 3 s 14(1)

Case 3

M6148 Case 3 is where¹

1. a final notice has been given **and**
2. no claim for Child Tax Credit or Working Tax Credit for the current tax year has been made or treated as made **and**
3. no decision on entitlement for the previous tax year has been made².

1 UC (TP) Regs (NI) 16, reg 9(2)(c); 2 TC Act 02, s 18(1)

Case 4

M6149 Case 4 is where¹

1. a final notice has been given **and**

2. the person made a declaration as in M6142 **1.1**²
 - 2.1 by the specified date **or**
 - 2.2 if not as in **2.1**, within 30 days of notification that payment of Tax Credits had ceased because of a failure to make the declaration by the specified date³ **or**
 - 2.3 if not as in **2.1** or **2.2**, by 31 January in the tax year following the period to which the final notice relates and in the opinion of His Majesty's Revenue and Customs the claimant had good reason for not making the declaration as in **2.1** or **2.2**.

1 UC (TP) Regs (NI) 16, reg 9(2)(ca); 2 TC Act 02, sec 17(2)(a), (4)(a) or (6)(a); 3 sec 24(4)

Case 5

M6150 Case 5 is where¹

1. a final notice has been given **and**
2. the person did not make a declaration by the specified date² as in M6142 **1.1 and**
3. they were notified that payment of Tax Credit had ceased because of the failure³ **and**
4. during the period of 30 days starting with the date the notice in **3.** is given
 - 4.1 the claim for Universal Credit is made **or**
 - 4.2 in the case of a new claimant partner, notification of the formation of a couple is given.

1 UC (TP) Regs (NI) 16, reg 9(2)(d); 2 TC Act 02, s 17(2)(a), (4)(a) or (6); 3 s 24(4)

M6151 – M6159

Tax Credit overpayments and penalties

M6160 Where¹

1. a claim for Universal Credit is made or treated as made **and**
2. the claimant is, or was at any time during the tax year in which the claim is made or treated as made, entitled to a Tax Credit

the Tax Credit legislation is modified². See Tax Credit guidance for further details.

1 UC (TP) Regs (NI) 16, reg 10(1); 2 UC (TP) Regs (NI) 16, reg 10(2) - (6); TC Act 02

M6161 Where M6160 applies, any Tax Credit overpayment is treated as an overpayment of Universal Credit. See ADM Chapter D1 (Overpayments, Recoverability, Adjustments and Recoupment - Universal Credit, Jobseeker's Allowance and Employment and Support Allowance) for guidance on Universal Credit overpayments.

M6162 – M6164

Finalisation of Tax Credit awards

M6165 [See ADM Memo 2/24] Where¹

1. a claim for Universal Credit is made or treated as made **and**
2. the claimant
 - 2.1 is entitled to a Tax Credit **or**
 - 2.2 was entitled to a Tax Credit during the tax year in which the Universal Credit claim was made or treated as made **and**

the amount of Tax Credit to which the claimant is entitled is calculated by His Majesty's Revenue and Customs in accordance with modified legislation which allows a Tax Credit award to be finalised before the end of the tax year².

1 UC (TP) Regs (NI) 16, reg 11(1); 2 UC (TP) Regs (NI) 16, reg 11(2) & Schedule

M6166 M6165 does not apply if, in the opinion of His Majesty's Revenue and Customs, it is not practicable to apply the modified legislation¹, for example due to unforeseen difficulties. In these cases the normal end of year finalisation of the Tax Credit award proceeds as usual.

1 UC (TP) Regs (NI) 16, reg 11(3)

M6167 – M6169

On-going reconsideration and appeals - new claimant partner

Existing benefits

M6170 See M6171 - M6173 for the action to take where, after a claimant has been awarded Universal Credit¹ and

1. an appeal against a decision relating to the claimant's entitlement to Income Support, Housing Benefit or a Tax Credit is finally determined **or**
2. a decision relating to the claimant's entitlement to
 - 2.1 Income Support or Housing Benefit is revised² or superseded³
 - 2.2 a Tax Credit is revised⁴ **or**
 - 2.3 a Tax Credit is varied or cancelled⁵.

1 UC (TP) Regs (NI) 16, reg 12(1); 2 SS (NI) Order 98, art 10; Child Support, Pensions and Social Security Act (NI) 2000, Sch 7; 3 SS (NI) Order 98, art 11; Child Support, Pensions and Social Security Act (NI) 2000, Sch 7;

4 TC Act 02, s 20; Tax Credit (Official Error) Regulations 2003; 5 TC Act 02, s 21

M6171 Where the claimant

1. is a new claimant partner **and**
2. would, as a result of the determination of the appeal, revision or supersession, be entitled to Income Support or Housing Benefit in the relevant period (see M6100)

the awards of Income Support or Housing Benefit terminate as in M6101 - M6104¹.

1 UC (TP) Regs (NI) 16, reg 5 & 12(2)

M6172 Where the claimant

1. is not a new claimant partner **and**
2. would, as a result of the determination of the
 - 2.1 appeal
 - 2.2 revision
 - 2.3 supersession
 - 2.4 variation **or**
 - 2.5 cancellation

be entitled to Income Support, Housing Benefit or a Tax Credit on the day the Universal Credit claim was made the awards of Income Support, Housing Benefit or a Tax Credit terminate as in M6111, M6121 or M6124¹.

1 UC (TP) Regs (NI) 16, reg 6 & 12(3)

M6173 The decision maker should consider whether to revise the decision awarding Universal Credit or any subsequent supersession decision in the light of the outcome of the

1. appeal
2. revision
3. supersession
4. variation **or**
5. cancellation

as in M6170, including any findings of fact made by the Appeal Tribunal, Commissioner or court¹.

Note: See ADM Chapters S8 (Jobseeker's Allowance transition) and V8 (Employment and Support Allowance transition) where the appeal, revision or supersession is about old style Jobseeker's Allowance or old style Employment and Support Allowance.

1 UC (TP) Regs (NI) 16, reg 12(4) & (5)

Universal Credit

M6174 Where

1. a decision is made that a claimant is not entitled to Universal Credit **and**
2. the claimant becomes entitled to Income Support, Housing Benefit or a Tax Credit **and**
3. an appeal against the decision in **1.** is finally determined or it is revised¹ **and**
4. an award of Universal Credit is made in consequence of **3.** **and**
5. the claimant would be entitled to
 - 5.1 Universal Credit **and**
 - 5.2 Income Support, Housing Benefit or a Tax Creditfor the same period

awards of Income Support, Housing Benefit or a Tax Credit terminate at the beginning of first day of entitlement to that award². However, this does not apply to Housing

Benefit to which the claimant is entitled for specified accommodation **or** temporary accommodation³ nor does it apply to claimants who are in receipt of a Transitional Housing Payment⁴.

Note: The guidance at M6131 applies where there has been an overpayment.

1 SS (NI) Order 98, art 10; 2 UC (TP) Regs (NI) 16, reg 13(1) & (2); 3 reg 13(3)

Claims to Universal Credit

M6175 Where a claim for Universal Credit is made by a person previously entitled to an existing benefit, the rules for the prescribed time for claiming¹ are modified². That modification means the time limit for claiming Universal Credit is to be extended, subject to a maximum of one month to the date on which the claim is made, where

1. notification of the expiry of entitlement to the existing benefit was not sent to the claimant before the date their entitlement expired **and**
2. as a result the claimant could not have been expected to make the Universal Credit claim earlier³.

Note: See M6003 for guidance on the meaning of existing benefits and ADM Chapter A2 (Claims) for full guidance on the prescribed time for claiming.

1 UC, PIP, JSA & ESA (C&P) Regs (NI) 16, reg 25; 2 UC (TP) Regs (NI) 16, reg 14;

3 UC, PIP, JSA & ESA (C&P) Regs (NI) 16, reg 25(3)(aa)

Persons unable to act

M6176 Where a person has been appointed to act for a claimant for the purposes of an existing benefit¹, the Department may treat that person as having been appointed to act for the claimant for Universal Credit purposes². The reverse also applies³. See DMG Chapter 02 for guidance on people appointed to act for the purpose of an existing benefit and ADM Chapter A2 (Claims) for guidance on people appointed to act for the purpose of Universal Credit.

1 SS (C&P) Regs (NI), reg 33(1); TC (C&N) Regs 02, reg 18(3); 2 UC (TP) Regs (NI) 16, reg 15(1) & (2); UC, PIP, JSA & ESA (C&P) Regs (NI) 16, reg 52(1); 3 UC (TP) Regs (NI) 16, reg 15(3) & (4)

M6177 – M6179

Advance payment of Universal Credit

M6180 Where a claim has been made, and the circumstances in M6182 apply, a request for an advance payment of Universal Credit may be made during the first assessment period by

1. a single claimant **or**
2. both claimants jointly¹.

1 UC (TP) Regs (NI) 16, reg 17(1) & (2)

M6181 If a request as in M6180 is made, the decision maker may make an advance payment of an appropriate amount of Universal Credit¹. If an advance payment is made, payments of Universal Credit are reduced until the amount of the advance has been repaid².

1 UC (TP) Regs (NI) 16, reg 17(3); 2 reg 17(4)

M6182 An advance payment of Universal Credit may be made as in M6181 where

1. a claim for Universal Credit has been made **and**
2. the claimant is, or was previously, entitled to an existing benefit **and**
3. the Universal Credit claim is made within a period of one month starting with the date on which the award of the existing benefit terminated, if that was before the date of the Universal Credit claim¹.

Note: 1. does not apply where a claim for Universal Credit is treated as having been made².

1 UC (TP) Regs (NI) 16, reg 17(1); 2 UC, PIP, JSA & ESA (C&P) Regs (NI) 16, reg 8(8)

M6183 – M6184

Deductions

M6185 Where

1. an award of Universal Credit is made to a claimant who¹
 - 1.1 was previously entitled to income-based Jobseeker's Allowance, income-related Employment and Support Allowance or Income Support on the date the Universal Credit claim was made or treated as made **or**
 - 1.2 is a new claimant partner who was, immediately before forming a couple with a person entitled to Universal Credit, the partner of a person entitled to income-based Jobseeker's Allowance, income-related Employment and Support Allowance or Income Support **or**
 - 1.3 is not a new claimant partner and was, immediately before making a claim for Universal Credit, the partner of a person who was entitled to income-based Jobseeker's Allowance, income-related Employment and Support Allowance or Income Support, where the award of Universal Credit is not a joint award to the claimant and that person **and**
2. on the relevant date, deductions were being made² for
 - 2.1 fuel costs **or**
 - 2.2 water charges **or**
 - 2.3 both

deductions for fuel costs or water charges may continue to be made from the award of Universal Credit without the need for any consent³. This applies even if the award of income-based Jobseeker's Allowance, income-related Employment and Support Allowance or Income Support terminated before the date on which the deduction first applied⁴. See ADM Chapter D2 (Third party deductions) for detailed guidance on utility deductions.

Note: See M6186 for the meaning of the relevant date.

1 UC (TP) Regs (NI) 16, reg 18(1); 2 SS (C&P) Regs (NI), reg 34A & Sch 8A;

3 UC (TP) Regs (NI) 16, reg 18(3); UC, PIP, JSA & ESA (C&P) Regs (NI) 16, Sch 5; para 3(3);

*4 UC (TP) Regs (NI) 16, reg 18(4); WR (NI) Order 15 (Comm No. 8 etc.) Order 17;
UC (TP) Regs (NI) 16, reg 5 & 6*

Example

Ashley is entitled to income-based Jobseeker's Allowance. He has deductions in place for arrears of gas, electricity and water charges. His award of income-based Jobseeker's Allowance is terminated when he is joined by his partner Selma, who is entitled to Universal Credit. Ashley and Selma's award of Universal Credit as joint claimants continues to have amounts deducted for fuel and water charges.

M6186 For the purposes of M6185 **2**, the relevant date is

1. the date the Universal Credit claim was made where M6185 **1.1** applies and the claimant is not a new claimant partner **or**
2. the date the Universal Credit claim is treated as made where M6185 **1.1** applies and the claimant is a new claimant partner **or**
3. the date the claimant stopped being a partner of a person entitled to income-based Jobseeker's Allowance, income-related Employment and Support Allowance or where M6185 **1.2** or **1.3** apply¹.

¹ UC (TP) Regs (NI) 16, reg 18(2)

Removal of the work-related activity component and the limited capability for work element

M6187 From 3.4.17 the work-related activity component is no longer included in an award of Employment and Support Allowance for claims made on or after that date. The limited capability for work element is not included in an award of Universal Credit except where the savings provisions set out in the Appendix to ADM Chapter F5 (The limited capability for work and work-related activity element) apply. Where a Universal Credit award is made to a claimant who was entitled to

1. old style Employment and Support Allowance (see M6190 - M6202) **or**
2. Jobseeker's Allowance extended periods of sickness (see M6210) **or**
3. National Insurance credits only on the basis that they had limited capability for work (see M6220 - M6222)

on the date the Universal Credit claim was made, references to awards of the work-related activity component, the support component and the limited capability for work element are removed, and replaced with references to the claimant having, or being treated as having, limited capability for work or limited capability for work-related activity as appropriate¹.

1 UC (TP) Regs (NI) 16, reg 19-21

Example

Molly claims and is awarded old style Employment and Support Allowance from 5.4.17. The decision maker determines that she has limited capability for work after application of the work capability assessment, but as her claim was made after 3.4.17, she is not entitled to the work-related activity component of Employment and Support Allowance. Molly is also entitled to Housing Benefit. On 20.12.17, Molly moves to a relevant district and claims Universal Credit as she is precluded from claiming Housing Benefit. Molly's awards of Employment and Support Allowance and Housing Benefit terminate. Molly is treated as having limited capability for work for the purposes of work-related requirements, but her Universal Credit award does not include the limited capability for work element.

M6188 The work-related activity component in new style Employment and Support Allowance and the limited capability for work element in Universal Credit can still be awarded where **continuous** entitlement to old style Employment and Support Allowance and National Insurance credits began **before** 3.4.17. See the Appendix to ADM Chapter V6 (ESA: Assessment phase and component), and the Appendix to ADM Chapter F5

(The limited capability for work and work-related activity element), for when transitional provisions apply.

M6189 The work related activity component in new style Employment and Support Allowance and the limited capability for work element in Universal Credit can also still be awarded where an award of Universal Credit is made to a person entitled to Incapacity Benefit, Income Support, Severe Disablement Allowance and National Insurance credits on the basis of incapacity for work¹. See M6250 - M6262 for detailed guidance.

1 UC (TP) Regs (NI) 16, reg 22-28

Transition from old style Employment and Support Allowance

Introduction

M6190 This section gives guidance on the effect on entitlement to Universal Credit for claimants who were previously entitled to old style Employment and Support Allowance. The claimant may be treated as having limited capability for work or limited capability for work and work-related activity and may be entitled to the limited capability for work and work-related activity element. If they are treated as having limited capability for work or limited capability for work and work-related activity, then the normal Universal Credit rules for further referrals for the work capability assessment apply¹. See ADM Chapter G1 (Work capability assessment) for further details.

1 UC (TP) Regs (NI) 16, reg 19(7); UC Regs (NI) 16, Part 5

Meaning of relevant date

M6191 In this section, the relevant date is the date the claim for Universal Credit was made or treated as made¹.

1 UC (TP) Regs (NI) 16, reg 19(1)(a) & 20(1)(a)

Claimant entitled to Employment and Support Allowance - assessment phase has ended

Claimant has limited capability for work

M6192 Where

1. an award of Universal Credit is made to a claimant who was entitled to old style Employment and Support Allowance on the relevant date (see M6191) **and**
2. before the relevant date, it had been determined that the claimant had limited capability for work **and**
3. the assessment phase had ended

the claimant is treated as having limited capability for work without the need for the work capability assessment¹.

Note: See M6200 - M6202 for guidance where the assessment phase had not ended when Employment and Support Allowance was terminated. See DMG Chapter 42 for guidance on Employment and Support Allowance and limited capability for work, and Chapter 44 for guidance on when the assessment phase ends.

1 UC (TP) Regs (NI) 16, reg 19(1) & (2); WR (NI) Order 15, art 26(1)(a); UC Regs (NI) 16, reg 28(1)(a) & (3)

M6193 – M6194

Claimant has limited capability for work and work-related activity

M6195 Where

1. an award of Universal Credit is made to a claimant who was entitled to old style Employment and Support Allowance on the relevant date (see M6191) **and**
2. before the relevant date, it had been determined that the claimant had, or was treated as having limited capability for work and work-related activity **and**
3. the assessment phase had ended

the claimant is treated as having limited capability for work and work-related activity without the need for the work capability assessment¹.

Note: See M6200 - M6202 for guidance where the assessment phase had not ended when Employment and Support Allowance was terminated. See DMG Chapter 42 for guidance on Employment and Support Allowance and limited capability for work, and Chapter 44 for guidance on when the assessment phase ends.

1 UC (TP) Regs (NI) 16, reg 19(1) & (4); WR (NI) Order 15, art 24(2)(a); UC Regs (NI) 16, reg 28(1)(a) & (3)

M6196 Where M6195 applies, the limited capability for work and work-related activity element is normally included in the amount of Universal Credit awarded to the claimant from the beginning of the first assessment period¹. The guidance about the relevant period before which the element is not included in the Universal Credit award² in ADM Chapter F5 (The limited capability for work and work-related activity element) does not apply.

1 UC (TP) Regs (NI) 16, reg 19(5); 2 UC Regs (NI) 16, reg 29

Example 1

Fergal has been entitled to Universal Credit since 6.8.18. He is joined on 15.10.18 by his partner Donna, who is entitled to contribution-based and income-related Employment and Support Allowance, including the support component. The income-related Employment and Support Allowance part of Donna's award is terminated on 5.10.18, the day before Fergal and Donna's award of Universal Credit as joint claimants begins. The Universal Credit claim includes the limited capability for work

and work-related activity element from 6.10.18. Donna remains entitled to new style Employment and Support Allowance.

Example 2

Tamsin claims Universal Credit on 2.7.18 after being dismissed from her job. Soon after she becomes pregnant and is diagnosed with severe hyperemesis gravidarum and high blood pressure early on in the pregnancy. She requires hospital treatment for dehydration on several occasions and submits medical evidence. Tamsin is referred for the work capability assessment, and the healthcare professional advises that the condition is likely to continue throughout the pregnancy given the stage she has now reached, with a consequent risk to her health. Tamsin is treated as having limited capability for work and work-related activity, and the limited capability for work and work-related activity element is included in her Universal Credit award from 2.11.18.

Tamsin is joined by her partner Noel on 17.11.18. Noel is entitled to income-related Employment and Support Allowance including the support component. Noel's award of income-related Employment and Support Allowance is terminated on 1.11.18. Tamsin and Noel are entitled to Universal Credit as joint claimants from 2.11.18. Although both claimants have limited capability for work and work-related activity, only one limited capability for work and work-related activity element can be included in the Universal Credit award.

M6197 – M6199

Claimant entitled to Employment and Support Allowance - assessment phase has not ended

Assessment phase less than 13 weeks

M6200 Where

1. an award of Universal Credit is made to a claimant who was entitled to old style Employment and Support Allowance on the relevant date (see M6191) **and**
 2. on the relevant date, the assessment phase¹ had lasted for less than 13 weeks
- the guidance in ADM Chapter F5 (The limited capability for work and work-related activity element) about the length of the relevant period (during which the limited capability for work and work-related activity element cannot be included in a Universal Credit award), and when it begins, does **not** apply². Instead, the relevant period is 13 weeks, beginning with the first day of the Employment and Support Allowance assessment phase³. However, where the Employment and Support Allowance assessment phase had not ended on a previous claim⁴, the relevant period ends

when the total period of old style Employment and Support Allowance and Universal Credit is 13 weeks.

Note: If on application of the work capability assessment it is determined that the claimant has limited capability for work and work-related activity, the limited capability for work and work-related activity element should be included in the Universal Credit award from the first day of the assessment period after the one in which the relevant period ends⁵.

*1 WR Act (NI) 07, sec 24(2); UC (TP) Regs (NI) 16, reg 19(8); 2 reg 20(1) & (2)(a); 3 reg 20(2)(b);
4 ESA Regs (NI) 08, reg 5; 5 UC Regs (NI) 16, reg 29(1);
UC, PIP, JSA & ESA (D&A) Regs (NI) 16, reg 35(9)(a)*

Example

Olumide claimed and was awarded income-related Employment and Support Allowance from 19.4.18. On 25.7.18 he is joined by his partner Ayo, who has been entitled to Universal Credit since 15.6.18. Olumide's award of income-related Employment and Support Allowance terminates on 14.7.18, and he and Ayo are entitled to Universal Credit as joint claimants from 15.7.18. The decision maker determines that Olumide has limited capability for work and work-related activity. The relevant period began on 19.4.18 and ends on 18.7.18. The limited capability for work and work-related activity element is included in the Universal Credit award from 15.8.18.

Assessment phase more than 13 weeks

M6201 Where

1. an award of Universal Credit is made to a claimant who was entitled to old style Employment and Support Allowance on the relevant date (see M6191) **and**
2. on the relevant date, the assessment phase¹ had
 - 2.1 not ended **and**
 - 2.2 lasted for more than 13 weeks

the guidance in ADM Chapter F5 (The limited capability for work and work-related activity element) about the relevant period (during which the limited capability for work and work-related activity element cannot be included in a Universal Credit award) does **not** apply².

1 WR Act (NI) 07, sec 24(2); UC (TP) Regs (NI) 16, reg 19(8); 2 reg 20(1) & (3)(a)

M6202 If on application of the work capability assessment it is determined that the new claimant partner has limited capability for work and work-related activity, the limited

capability for work and work-related activity element as appropriate is included in the Universal Credit award from the beginning of the first assessment period¹.

1 UC (TP) Regs (NI) 16, reg 20(3)(b) & (c)

Example

Carly claimed and was awarded income-related Employment and Support Allowance from 21.1.18. On 15.7.18 she joins her partner Warren, who has been entitled to Universal Credit since 7.5.18. Carly's award of income-related Employment and Support Allowance ends on 6.7.18, and she and Warren are entitled to Universal Credit as joint claimants from 7.7.18.

On 17.9.18 after application of the work capability assessment, the decision maker determines that Carly has limited capability for work and work-related activity. The Universal Credit award is revised to include the limited capability for work and work-related activity element from 7.7.18. The decision awarding income-related Employment and Support Allowance is superseded to award the support component for the period 22.4.18 - 6.7.18.

M6203 – M6209

Transition from old style Jobseeker's Allowance

Extended period of sickness

M6210 Where

1. the claimant's first day of entitlement to Universal Credit immediately follows the claimant's last day of entitlement to Jobseeker's Allowance **and**
2. immediately before the first day of Universal Credit entitlement, the claimant was in a Jobseeker's Allowance extended period of sickness

the guidance in ADM Chapter F5 (The limited capability for work and work-related activity element) about the length of the relevant period (during which the limited capability for work and work-related activity element cannot be included in a Universal Credit award) does not apply¹. Instead, the relevant period is the period beginning with the first day of the Jobseeker's Allowance extended period of sickness².

¹ UC (TP) Regs (NI) 16, reg 21(1)(a)& (2)(a); JSA Regs (NI) 96, reg 55ZA; JSA Regs (NI) 16, reg 46(1);

² UC (TP) Regs (NI) 16, reg 21(2)(b)

M6211 – M6219

Claimants with limited capability for work - credits only cases

Introduction

M6220 This section gives guidance on the effect on entitlement to Universal Credit for claimants who were previously not entitled to old style Employment and Support Allowance¹ but were entitled to National Insurance credits². The claimant may be treated as having limited capability for work or limited capability for work and work-related activity and may be entitled to the limited capability for work and work-related related activity element. If they are treated as having limited capability for work or limited capability for work and work-related activity, then the normal Universal Credit rules for further referrals for the work capability assessment apply³. See ADM Chapter G1 (Work capability assessment) for further details.

Note: This applies even if, if there are joint claimants, the other joint claimant was entitled to old style Employment and Support Allowance⁴.

*1 UC (TP) Regs (NI) 16, reg 22(1)(b); 2 reg 22(1)(a); SS (Credits) Regs (NI), reg 8B(2)(iv), (iva) & (v);
3 UC (TP) Regs (NI) 16, reg 22(8); UC Regs (NI) 16, Part 5; 4 UC (TP) Regs (NI) 16, reg 22(1)(b)*

Definitions

Meaning of relevant date

M6221 In this section the relevant date is the date the claim for Universal Credit was made or treated as made¹.

1 UC (TP) Regs (NI) 16, reg 22(1)(a)

Meaning of notional assessment phase

M6222 The notional assessment phase is the period of 13 weeks starting on the day the assessment phase would have started if the claimant had been entitled to old style Employment and Support Allowance and the claimant would have been entitled to a component¹ because it had ended². However, the notional assessment phase has not ended if there had been no determination of limited capability for work³ at the end of that 13 week period⁴.

*1 WR Act (NI) 07, sec 2(2)(a), 2(3)(a), 4(4)(a) & 4(5)(a); 2 UC (TP) Regs (NI) 16, reg 22(9)(e);
3 WR Act (NI) 07, Part 1; 4 UC (TP) Regs (NI) 16, reg 22(9)(f)*

Claimant would have been entitled to Employment and Support Allowance

Claimant would have limited capability for work

M6223 Where

1. an award of Universal Credit is made to a claimant who was not entitled to old style Employment and Support Allowance on the relevant date (see M6221) **and**
2. before the relevant date, it had been determined that the claimant would have limited capability for work **and**
3. the notional assessment phase had ended

the claimant is treated as having limited capability for work without the need for the work capability assessment¹.

Note: See M6230 for guidance where the notional assessment phase had not ended when Employment and Support Allowance was terminated. See DMG Chapter 42 for guidance on Employment and Support Allowance and limited capability for work, and Chapter 44 for guidance on when the assessment phase ends.

¹ UC (TP) Regs (NI) 16, reg 22(1) & (2); WR (NI) Order 15, art 26(1)(a); UC Regs (NI) 16, reg 28(1)(a) & (3)

M6224

Claimant would have limited capability for work and work-related activity

M6225 Where

1. an award of Universal Credit is made to a claimant who was not entitled to old style Employment and Support Allowance on the relevant date (see M6221) **and**
2. before the relevant date, it had been determined that the claimant would have limited capability for work and work-related activity **and**
3. the notional assessment phase had ended

the claimant is treated as having limited capability for work and work-related activity without the need for the work capability assessment¹.

Note: See M6230 - M6232 for guidance where the notional assessment phase had not ended when Employment and Support Allowance was terminated. See DMG Chapter 42 for guidance on Employment and Support Allowance and limited

capability for work, and Chapter 44 for guidance on when the assessment phase ends.

1 UC (TP) Regs (NI) 16, reg 22(1) & (4); WR (NI) Order 15, art 24(2)(a); UC (TP) Regs (NI) 16, reg 28(2)(b)(i)

M6226 Where M6225 applies, the limited capability for work and work-related activity element is normally included in the amount of Universal Credit awarded to the claimant from the beginning of the first assessment period¹. The guidance about the relevant period before which the element is not included in the Universal Credit award² in ADM Chapter F5 (The limited capability for work and work-related activity element) does not apply.

1 UC (TP) Regs (NI) 16, reg 22(5); 2 UC (TP) Regs (NI) 16, reg 28(2)(b)(iii)

M6227 – M6229

Claimant not entitled to Employment and Support Allowance - notional assessment phase has not ended

Notional assessment phase less than 13 weeks

M6230 Where

1. an award of Universal Credit is made to a claimant who was not entitled to old style Employment and Support Allowance on the relevant date (see M6221) **and**
2. on the relevant date, the notional assessment phase¹ had lasted for less than 13 weeks

the guidance in ADM Chapter F5 (The limited capability for work and work-related activity element) about the length of the relevant period (during which the limited capability for work and work-related activity element cannot be included in a Universal Credit award), and when it begins, does not apply². Instead, the relevant period is 13 weeks, beginning with the first day of the Employment and Support Allowance notional assessment phase³.

Note: If on application of the work capability assessment it is determined that the claimant has limited capability for work and work-related activity, the limited capability for work and work-related activity element should be included in the Universal Credit award from the first day of the assessment period after the one in which the relevant period ends⁴.

1 WR (NI) Act 07, sec 24(2); UC (TP) Regs (NI) 16, reg 19(8); 2 reg 22(1) & (6)(a); 3 reg 22(6)(b);

4 UC Regs (NI) 16, reg 29; UC, PIP, JSA & ESA (D&A) Regs (NI) 16, reg 35(9)(a)

Notional assessment phase more than 13 weeks

M6231 Where

1. an award of Universal Credit is made to a claimant who was not entitled to old style Employment and Support Allowance on the relevant date (see M6221) **and**
2. on the relevant date, the notional assessment phase¹ had
 - 2.1 not ended **and**
 - 2.2 lasted for more than 13 weeks

the guidance in ADM Chapter F5 (The limited capability for work and work-related activity element) about the relevant period (during which the limited capability for work and work-related activity element cannot be included in a Universal Credit award) does not apply².

1 WR (NI) Act 07, sec 24(2); UC (TP) Regs (NI) 16, reg 19(8); 2 reg 22(1) & (7)(a)

M6232 If on application of the work capability assessment it is determined that the claimant has limited capability for work and work-related activity, the limited capability for work and work-related activity element as appropriate is included in the Universal Credit award from the beginning of the first assessment period¹.

1 UC (TP) Regs (NI) 16, reg 22(7)(b) & (c)

M6233 – M6239

Claimants with incapacity for work - credits only cases

Claimants approaching pensionable age

M6240 Where

1. an award of Universal Credit is made to a claimant who is entitled to credits¹ **and**
2. the claimant will reach pensionable age² within one year **and**
3. the claimant was not receiving
 - 3.1 Income Support on the grounds of incapacity for work or disability **or**
 - 3.2 Incapacity Benefit or Severe Disablement Allowance

the claimant is treated as having limited capability for work or limited capability for work and work-related activity from the beginning of the first assessment period for the purposes of entitlement to a work capability element **only** if they are also entitled to one of the benefits at M6261 or M6262. There is no requirement to serve a relevant

period, and the work capability element is included in the Universal Credit award from the beginning of the first assessment period³. See M6241 - M6242 for guidance on which element is included in the Universal Credit award.

Note 1: See DMG Chapter 45 for the meaning of pensionable age.

Note 2: See M6243 for guidance where the claimant is not entitled to any of the benefits at M6261 or M6262.

1 SS (Credits) Regs (NI), reg 8B(2)(a)(i), (ii) & (iii); 2 ESA (TP&HB) (EA) Regs (NI), reg 2(1); Pensions Act (NI) 12, Part 1 para 1; 3 UC (TP) Regs (NI) 16, reg 27

M6241 The claimant is entitled to the limited capability for work element where they are entitled to any of the benefits at M6261 and are **not** entitled to any of the benefits at M6262¹.

1 UC (TP) Regs (NI) 16, reg 25(1)(d) & 27(2)

M6242 The claimant is entitled to the limited capability for work and work-related activity element where they are entitled to any of the benefits at M6262¹.

1 UC (TP) Regs (NI) 16, reg 25(3)(d) & 27(3)

M6243 Where the claimant

1. satisfies the conditions at M6240 1. - 3.¹ **and**
2. is not entitled to any of the benefits at M6261 or M6262² **and**
3. is found to have limited capability for work or limited capability for work and work-related activity under Universal Credit provisions³

they are treated as having limited capability for work or limited capability for work and work-related activity as appropriate from the beginning of the first assessment period. The limited capability for work or limited capability for work and work-related activity element is included in the Universal Credit award from the same date⁴.

1 UC (TP) Regs (NI) 16, reg 27(1); 2 reg 25(1)(d) or 25(3)(d); 3 UC Regs (NI) 16, Part 5; 4 UC (TP) Regs (NI) 16, reg 27(4)

M6244

Other claimants

M6245 Where

1. an award of Universal Credit is made to a claimant who is entitled to credits¹ **and**
2. the claimant will not reach pensionable age² within one year **and**

3. the claimant was not receiving

3.1 Income Support on the grounds of incapacity for work or disability **or**

3.2 Incapacity Benefit or Severe Disablement Allowance³

the claimant is treated as having limited capability for work or limited capability for work and work-related activity, if assessed as such, from the beginning of the first assessment period for the purposes of entitlement to a work capability element⁴. There is no requirement to serve a relevant period, and the work capability element is included in the Universal Credit award from the beginning of the first assessment period⁵.

1 SS (Credits) Regs (NI), reg 8B(2)(a)(i), (ii) & (iii); UC (TP) Regs (NI) 16, reg 28(1)(a);

*2 ESA (TP&HB) (EA) Regs (NI), reg 2(1); Pensions Act (NI) 12, Part 1, para 1
UC (TP) Regs (NI) 16, reg 28(1)(b); 3 reg 28(1)(b); 4 reg 28(2)(a); 5 reg 28(2)(b)*

M6246 – M6249

Claimant entitled to Income Support, Incapacity Benefit or Severe Disablement Allowance

Introduction

M6250 Claimants who are entitled to

1. Income Support on the grounds of incapacity for work or disability **or**
2. Incapacity Benefit **or**
3. Severe Disablement Allowance

are being reassessed to determine whether their benefit, referred to as an existing award¹, can be converted to Employment and Support Allowance. This is known as Incapacity Benefit Reassessment - see DMG Chapter 45 for detailed guidance. This section gives guidance on the action to take where a claimant entitled to an existing award becomes a Universal Credit claimant.

1 WR Act (NI) 07, Sch 4, para 11

M6251 Where Incapacity Benefit or Severe Disablement Allowance is in payment at the time the award of Universal Credit to claimants begins, it is taken into account as unearned income¹. See ADM Chapter H5 (Unearned income) for detailed guidance. For the purposes of this section, Incapacity Benefit and Severe Disablement Allowance are existing benefits².

1 UC (TP) Regs (NI) 16, reg 26(1); UC Regs (NI) 16, reg 66, 2 UC (TP) Regs (NI) 16, reg 26(2)

Claimant entitled to Income Support on the grounds of incapacity for work or disability

M6252 Where

1. an award of Universal Credit is made to a claimant who was entitled to Income Support on the grounds of incapacity for work or disability on the day the Universal Credit claim was made or treated as made¹ **and**
2. it is determined under Universal Credit provisions² that the claimant has limited capability for work or limited capability for work and work-related activity

the claimant is treated as having limited capability for work or limited capability for work and work-related activity from the beginning of the first assessment period for the purposes of entitlement to a work capability element³. There is no requirement to serve a relevant period, and the work capability element is included in the Universal Credit award from the beginning of the first assessment period⁴.

Note: Whether or not the conversion phase had begun, it terminates when the award of Income Support terminates - see DMG Chapter 45 for further details. The claimant should be referred for the work capability assessment under Universal Credit rules - see ADM Chapters G1 - G3.

*1 WR Act (NI) 07, Sch 4, para 11; UC (TP) Regs (NI) 16, reg 23(3); 2 UC Regs (NI) 16, Part 5;
3 UC (TP) Regs (NI) 16, reg 23(1) and (2)(a)(i) & (b)(i); 4 reg 23(2)(a)(ii) & (iii) and (b)(ii) & (iii)*

Claimant entitled to Incapacity Benefit or Severe Disablement Allowance

Conversion notice not issued

M6253 Where

1. an award of Universal Credit is made to a claimant who was entitled to Incapacity Benefit or Severe Disablement Allowance on the day the Universal Credit claim was made or treated as made¹ **and**
2. it is determined under Universal Credit provisions² that the claimant has limited capability for work or limited capability for work and work-related activity

the claimant is treated as having limited capability for work or limited capability for work and work-related activity from the beginning of the first assessment period for the purposes of entitlement to a work capability element³. There is no requirement to serve a relevant period, and the work capability element is included in the Universal Credit award from the beginning of the first assessment period⁴.

Note 1: See M6260 - M6262 where the claimant is approaching pensionable age.

Note 2: See DMG Chapter 45 for guidance on Incapacity Benefit Reassessment, the conversion notice and pensionable age.

*1 WR Act (NI) 07, Sch 4, para 11; UC (TP) Regs (NI) 16, reg 23(3); 2 UC Regs (NI) 16, Part 5;
3 UC (TP) Regs (NI) 16, reg 23(1) and (2)(a)(i) & (b)(i); 4 reg 23(2)(a)(ii) & (iii) and (b)(ii) & (iii)*

M6254 Where the Universal Credit claimant is found to have limited capability for work or limited capability for work and work-related activity as in M6253, the award of Incapacity Benefit or Severe Disablement Allowance should continue to be taken into account as unearned income¹ as in M6251 until it is converted to an award of new style Employment and Support Allowance.

1 UC (TP) Regs (NI) 16, reg 26

Conversion notice issued

M6255 Where

1. an award of Universal Credit is made to a claimant who is entitled to Incapacity Benefit or Severe Disablement Allowance (“the relevant award”) **and**
2. on or before the date the Universal Credit claim is made or treated as made the conversion notice is issued¹

the question of whether the claimant has limited capability for work or limited capability for work and work-related activity is determined under the Incapacity Benefit Reassessment provisions².

1 UC (TP) Regs (NI) 16, reg 24(1); 2 reg 24(2); ESA (TP&HB) (EA) Regs (NI)

M6256 Where, following application of the work capability assessment, the relevant award qualifies for conversion to Employment and Support Allowance including the work-related activity component

1. the claimant is treated as having had limited capability for work **and**
2. the limited capability for work element is included in the Universal Credit award from the beginning of the first assessment period¹.

1 UC (TP) Regs (NI) 16, reg 24(3)

M6257 Where, following application of the work capability assessment, the relevant award qualifies for conversion to Employment and Support Allowance including the support component

1. the claimant is treated as having had limited capability for work and work-related activity **and**
2. the limited capability for work and work-related activity element is included in the Universal Credit award

from the beginning of the first assessment period¹.

1 UC (TP) Regs (NI) 16, reg 24(4)

M6258 Where M6256 or M6257 applies, the award of Incapacity Benefit or Severe Disablement Allowance is converted to an award of new style Employment and Support Allowance¹.

1 ESA (TP&HB) (EA) Regs (NI); WR (NI) Order 15 (Comm No. 8 etc.) Order 17, art 10 & Sch 3

M6259

Claimant entitled to Incapacity Benefit or Severe Disablement Allowance and approaching pensionable age

M6260 Where

1. an award of Universal Credit is made to a claimant who is entitled to Incapacity Benefit or Severe Disablement Allowance¹ **and**
2. no conversion notice has been issued² **and**
3. the claimant will reach pensionable age³ within one year **and**
4. the claimant is entitled to
 - 4.1 Personal Independence Payment **or**
 - 4.2 Disability Living Allowance **or**
 - 4.3 Attendance Allowance **or**
 - 4.4 Armed Forces Independent Payment **or**
 - 4.5 Constant Attendance Allowance **or**
 - 4.6 any payment for attendance which is a part of War Disablement Pension

the claimant is treated as having limited capability for work or limited capability for work and work-related activity from the beginning of the first assessment period for the purposes of entitlement to a work capability element. There is no requirement to serve a relevant period, and the work capability element is included in the Universal Credit award from the beginning of the first assessment period⁴. See M6261 - M6262 for guidance on which element is included in the Universal Credit award.

1 WR Act (NI) 07, Sch 4, para 11; UC (TP) Regs (NI) 16, reg 19(8); 2 ESA (TP&HB) (EA) Regs (NI), reg 4; 3 reg 2(1); Pensions Act (NI) 12, Part 1, para 1; 4 UC (TP) Regs (NI) 16, reg 25

M6261 The claimant is entitled to the limited capability for work element where they are entitled to¹

1. Personal Independence Payment and neither
 - 1.1 the daily living component **or**
 - 1.2 the mobility componentis payable at the enhanced rate² **or**
2. Disability Living Allowance and either
 - 2.1 the care component is payable at the middle rate **or**
 - 2.2 the mobility component is payable at the lower rate³ **or**

3. Attendance Allowance payable at the lower rate⁴ **or**
4. Constant Attendance Allowance which is not awarded for exceptionally severe disablement⁵ **or**
5. payment for attendance as part of War Disablement Pension which is not awarded for exceptionally severe disablement⁶.

Note: Where a claimant also receives a benefit at M6262 they will be entitled to the limited capability for work and work-related element only.

*1 UC (TP) Regs (NI) 16, reg 25(1)(d) & (2)(d); 2 WR (NI) Order 15, art 83 - 85;
3 SS C&B (NI) Act 92, sec 71, 72(4) & 73(11); 4 sec 64 & 65; 5 sec 104 & Sch 4, Part 5, para 2(a);
6 Income Tax (Earnings and Pensions) Act 2003, s 639(2); SS C&B (NI) Act 92, Sch 4, part 5, para 2(a)*

M6262 The claimant is entitled to the limited capability for work and work-related activity element where they are entitled to¹

1. Personal Independence Payment and either
 - 1.1 the daily living component **or**
 - 1.2 the mobility componentis payable at the enhanced rate² **or**
2. Disability Living Allowance and either
 - 2.1 the care component is payable at the highest rate **or**
 - 2.2 the mobility component is payable at the higher rate³ **or**
3. Attendance Allowance payable at the higher rate⁴ **or**
4. Armed Forces Independence Payment⁵ **or**
5. Constant Attendance Allowance which is awarded for exceptionally severe disablement⁶ **or**
6. payment for attendance as part of Ware Disablement Pension which is not awarded for exceptionally severe disablement⁷.

*1 UC (TP) Regs (NI) 16, reg 25(3)(d) & 4(d); 2 WR Order (NI) 15, art 83 - 85;
3 SS C&B (NI) Act 92, sec 71, 72(4) & 73(11); 4 sec 64 & 65; 5 AF & RF (Comp Scheme) Order;
6 SS C&B (NI) Act 92, sec 104 & Sch 4, Part 5, para 2(b);
7 Income Tax (Earnings and Pensions) Act 2003, s 639(2); SS C&B (NI) Act 92, Sch 4, part 5, para 2(a)*

Qualifying young person

M6263 A person who is receiving an existing benefit is not a qualifying young person¹. See M6003 for guidance on the meaning of existing benefit and ADM Chapter F1 (Child element) for guidance on qualifying young person.

1 UC (TP) Regs (NI) 16, reg 29

M6264 – M6269

Support for housing costs

Claimant previously entitled to housing costs

M6270 Where¹

1. an award of Universal Credit is made to a claimant who was
 - 1.1 entitled to income-based Jobseeker's Allowance, income-related Employment and Support Allowance or Income Support at any time during the period of one month ending on the day the Universal Credit claim was made or treated as made or would have been so entitled had the award not been terminated² **or**
 - 1.2 the partner of a person entitled to income-based Jobseeker's Allowance, income-related Employment and Support Allowance or Income Support at any time during the period of one month ending on the day the Universal Credit claim was made or treated as made but the Universal Credit award is not a joint award to the claimant and that person **and**
2. on the relevant date (see M6271) the award in 1. of income-based Jobseeker's Allowance, income-related Employment and Support Allowance or Income Support included housing costs³ **and**
3. the claimant is liable for housing costs for the purposes of Universal Credit

the requirement to serve a qualifying period before a housing costs element for owner-occupiers can be included in the Universal Credit award does not apply³. See ADM Chapter F2 (Housing costs element: general) for detailed guidance on the qualifying period, and ADM Chapter F4 (Housing costs element: support for owner occupiers) for guidance on the Housing Costs Element for owner-occupiers.

¹ UC (TP) Regs (NI) 16, reg 30(1); ² WR (NI) Order 15 (Comm No. 8 etc.) Order 17; UC (TP) Regs (NI) 16;

³ JSA Regs (NI) 96, Sch 2, para 14 - 16; ESA Regs (NI) 08, Sch 6, para 16 - 18;

IS (Gen) Regs (NI), Sch 3, para 15 - 17; UC (TP) Regs (NI) 16, reg 30(3); UC Regs (NI) 16, Sch 5, para 5

Example

Maureen has been entitled to Universal Credit since 22.6.18. She moves in with her partner Calvin on 14.9.18. Calvin is entitled to income-based Jobseeker's Allowance, including housing costs for a loan used to buy his home. Calvin's award of income-based Jobseeker's Allowance terminates on 21.8.18, and he and Maureen are entitled to Universal Credit as joint claimants from 22.8.18. Their Universal Credit award includes the owner-occupier housing costs element from 22.8.18.

Meaning of relevant date

M6271 For the purpose of M6270 2. the relevant date¹ is

1. the day entitlement to income-based Jobseeker's Allowance, income-related Employment and Support Allowance or Income Support terminated where
 - 1.1 M6270 1.1 applies **and**
 - 1.2 the claimant was not entitled to income-based Jobseeker's Allowance, income-related Employment and Support Allowance or Income Support on the day the claim for Universal Credit was made or treated as made **or**
2. the day the Universal Credit claim was made where
 - 2.1 M6270 1.1 applies **and**
 - 2.2 the claimant is not a new claimant partner and was entitled to income-based Jobseeker's Allowance, income-related Employment and Support Allowance or Income Support on that day **or**
3. the day the Universal Credit claim was treated as made where
 - 3.1 M6270 1.1 applies **and**
 - 3.2 the claimant is a new claimant partner and was entitled to income-based Jobseeker's Allowance, income-related Employment and Support Allowance or Income Support on that day **or**
4. the day
 - 4.1 the claimant ceased to be the partner of a person entitled to income-based Jobseeker's Allowance, income-related Employment and Support Allowance or Income Support **or**
 - 4.2 if earlier, the day the award of income-based Jobseeker's Allowance, income-related Employment and Support Allowance or Income Support terminated

where M6270 1.2 applies.

¹ UC (TP) Regs (NI) 16, reg 30(2)

Claimant not previously entitled to housing costs

M6272 Where¹

1. an award of Universal Credit is made to a claimant who was

- 1.1 entitled to income-based Jobseeker's Allowance, income-related Employment and Support Allowance or Income Support at any time during the period of one month ending on the day the Universal Credit claim was made or treated as made or would have so entitled had the award not been terminated² **or**
 - 1.2 the partner of a person entitled to income-based Jobseeker's Allowance, income-related Employment and Support Allowance or Income Support at any time during the period of one month ending on the day the Universal Credit claim was made or treated as made but the Universal Credit award is not a joint award to the claimant and that person **and**
 2. the award of income-based Jobseeker's Allowance, income-related Employment and Support Allowance or Income Support did not include housing costs because the qualifying period had not ended³ **and**
 3. the claimant is liable for housing costs for the purposes of Universal Credit
- the qualifying period during which the housing costs element cannot be paid is reduced as in M6273⁴.

1 UC (TP) Regs (NI) 16, reg 30(1)(a) & (b) & (4); 2 WR (NI) Order 15 (Comm No. 8 etc.) Order 17; UC (TP) Regs (NI) 16; 3 JSA Regs (NI) 96, Sch 2, para 6(1)(c) & (7)(1)(b); ESA Regs (NI) 08, Sch 6, para 9(1)(b); IS (Gen) Regs (NI), Sch 3, para 8(1)(b); 4 UC (TP) Regs (NI) 16, reg 30(5)

M6273 Where M6272 applies, the qualifying period¹ before which the housing costs element is included in the Universal Credit award is 273 days starting with the first day the claimant or their partner was continuously entitled to income-based Jobseeker's Allowance, income-related Employment and Support Allowance or Income Support, including linked periods². For this to apply

1. receipt of Universal Credit has to be continuous **and**
2. the claimant would otherwise qualify for the Housing Costs Element

throughout the part of the qualifying period after the award of Universal Credit is made³. See DMG Chapter 23 for guidance on housing costs for income-based Jobseeker's Allowance and Income Support, and DMG Chapter 44 for guidance on income-related Employment and Support Allowance housing costs.

1 UC (TP) Regs (NI) 16, reg 30(5)(b); 2 JSA Regs (NI) 96, Sch 2, para 13; ESA Regs (NI) 08, Sch 6, para 15; IS (Gen) Regs (NI), Sch 3, para 14; 3 UC (TP) Regs (NI) 16, reg 30(5)(b)

M6274 Where M6272 and M6273 apply the normal rules about non-inclusion of the Housing Costs Element and the qualifying period do not apply¹.

1 UC (TP) Regs (NI) 16, reg 30(3) & (5); UC Regs (NI) 16, Sch 5, para 5

M6275 – M6279

Sanctions

Introduction

M6280 This section gives guidance on reduction of Universal Credit awards made to a Universal Credit claimant, including a new claimant partner, who, immediately before the relevant date (see M6281), was entitled to an award of Employment and Support Allowance or Jobseeker's Allowance (see ADM Chapter M5 (Claims for Universal Credit) for the meaning of old style Employment and Support Allowance and old style Jobseeker's Allowance) which had been subject to

1. a sanction - see M6285 et seq **or**
2. a loss of benefit penalty - see M6320 et seq.

See DMG Chapter 53 for guidance on Employment and Support Allowance sanctions, DMG Chapter 34 for guidance on Jobseeker's Allowance sanctions, and ADM Chapter B2 for guidance on deductions from benefit for a loss of benefit penalty.

Note: If the claimant had been awarded Employment and Support Allowance or Jobseeker's Allowance hardship payments and that award is terminated, they can apply for hardship under Universal Credit provisions. See DMG Chapter 35 and ADM Chapter L1 (Hardship) for further details.

Relevant date

M6281 In this section, the relevant date¹ is

1. the day the award of Employment and Support Allowance or Jobseeker's Allowance terminated where the claimant was not entitled to old style Employment and Support Allowance or old style Jobseeker's Allowance on the day the Universal Credit claim was made or treated as made **or**
2. the day before the first date of entitlement to Universal Credit where the Universal Credit claim was made where the claimant is not a new claimant partner and was entitled to old style Employment and Support Allowance or old style Jobseeker's Allowance on that day **or**
3. the day the Universal Credit claim was treated as made where the claimant is a new claimant partner and was entitled to old style Employment and Support Allowance or old style Jobseeker's Allowance on that day.

¹ UC (TP) Regs (NI) 16, reg 2(1), 31(2) & 33(2)

M6282 – M6284

Old style Employment and Support Allowance sanctions

M6285 Where

1. an award of Universal Credit is made to a claimant who was previously entitled to old style Employment and Support Allowance **and**
2. on the relevant date, the award of Employment and Support Allowance was reduced because the claimant had failed without good cause to
 - 2.1 take part in a work focused interview **or**
 - 2.2 undertake work-related activity¹

the Employment and Support Allowance failure is treated as a sanctionable failure for the purposes of Universal Credit².

1 WR Act (NI) 07, sec 12 & 13; ESA Regs (NI) 08, reg 61 & 63; ESA (WRA) Regs (NI), reg 8;

2 WR (NI) Order 15, art 32; UC (TP) Regs (NI) 16, reg 31(1) & (3)(a)

M6286 Where M6285 applies

1. the award of Universal Credit is reduced as in M6287¹ **and**
2. the reduction is treated as a reduction in accordance with Universal Credit rules².

See ADM Chapter K1 for guidance on general principles for Universal Credit reduction periods.

1 UC (TP) Regs (NI) 16, reg 31(3)(b); 2 WR (NI) Order 15, art 32;

UC (TP) Regs (NI) 16, reg 31(3)(c); UC Regs (NI) 16, reg 98

Period of reduction

M6287 The reduction period is the number of days equivalent to the length of the fixed period part of the Employment and Support Allowance reduction¹ less

1. the number of days (if any) in that period for which old style Employment and Support Allowance was reduced **and**
2. if there was a gap between the end of the Employment and Support Allowance award and the first date of entitlement to Universal Credit, the number of days (if any) in the period
 - 2.1 after the termination of the old style Employment and Support Allowance award **and**
 - 2.2 before the start of the Universal Credit award².

Note: Although the claimant may not have complied with the requirement for which the old style Employment and Support Allowance sanction was imposed, the requirement no longer applies where the award is terminated or changed to an award of new style Employment and Support Allowance. The fixed period still has to be served and is applied to Universal Credit.

1 ESA Regs (NI) 08, reg 63(7); 2 UC (TP) Regs (NI) 16, reg 31(4)

Example

Joy is entitled to income-related Employment and Support Allowance. She joins her partner Tony on 14.9.18. Tony has been entitled to Universal Credit since 10.7.18. Joy's award of income-related Employment and Support Allowance terminates on 9.9.18, as does Tony's award of Universal Credit as a single claimant. Tony and Joy are entitled as joint claimants from 10.9.18.

Joy's award of income-related Employment and Support Allowance had been reduced because she had failed to take part in a work-focused interview. This was Joy's second failure, and a fixed period of reduction of two weeks was imposed after she agreed to attend a work-focused interview. The fixed period began on 4.9.18. Joy's award of income-related Employment and Support Allowance was reduced for six days before it terminated on 9.9.18, and a further eight days reduction period is imposed for the Universal Credit award.

Escalation

M6288 Where

1. the Universal Credit claimant fails for no good reason to comply with a work-related requirement **and**
2. the failure is a sanctionable failure **and**
3. the claimant was previously entitled to old style Employment and Support Allowance

the decision maker should take into account any previous Employment and Support Allowance fixed period reductions, including a reduction carried forward to Universal Credit as in M6286, when determining what reduction period applies for the purposes of a low-level sanction¹. See ADM Chapter K5 for guidance on low-level sanctions, and DMG Chapter 53 for guidance on Employment and Support Allowance reductions.

Note: See M6289 for when M6288 does not apply.

1 UC (TP) Regs (NI) 16, reg 32(1) & (2); UC Regs (NI) 16, reg 101; ESA Regs (NI) 08, reg 63

Example 1

Hussain was entitled to Employment and Support Allowance. His award terminated on 16.4.18 after he returned to work. Hussain had failed to undertake work-related activity on 17.12.17, and a fixed period reduction of one week was imposed from 9.1.17.

Hussain's job comes to an end, and he claims Universal Credit from 12.8.17. He is required to attend the Jobs and Benefits Office fortnightly, but fails for no good reason to attend on 28.8.18. He attends on 2.9.18. The decision maker treats the Employment and Support Allowance one week reduction as a seven day low-level sanction. As this was within 365 days of the current sanctionable failure, the decision maker decides that Hussain's award of Universal Credit is subject to a reduction of five days for the period before compliance, followed by 14 days, as the failure is within 365 days of a previous failure for which a seven day reduction period is treated as applying.

Example 2

Ryan is entitled to Employment and Support Allowance. He fails to attend a work focused interview on 15.1.18, for which a one week fixed period reduction is imposed. Ryan then fails to undertake work-related activity on 28.5.18, and as this is within 52 weeks of the failure on 15.1.18, a two week fixed period reduction is imposed following compliance. The fixed period begins on 12.6.18.

Linzi has been entitled to Universal Credit since 14.5.18. On 24.6.18 she moves in with Ryan. Ryan and Linzi are entitled as joint claimants from 14.6.18. Their Universal Credit award is reduced for a period of 12 days, the balance of the Employment and Support Allowance two weeks fixed period reduction (calculated by reducing half of the joint standard allowance).

On 3.9.18 Ryan fails for no good reason to attend a work focused interview. He meets the specified compliance condition by phoning on 11.9.18 and agreeing to attend a work focused interview. A low-level sanction is applied. When calculating the reduction period, the decision maker treats the failure of 15.1.18 as incurring a seven day reduction period, and the failure of 28.5.18 as incurring a 14 day reduction period. Ryan and Linzi's award of Universal Credit is reduced for a total period of 36 days (eight for the period before compliance, and 28 as the previous failure within 365 days was for 14 days).

M6289 When determining a reduction period for a low-level sanction as in M6287, no account is taken of

1. a reduction of old style Employment and Support Allowance carried forward to Universal Credit as in M6286, if the claimant is subsequently entitled to an existing benefit (see M6003 for meaning of existing benefit) **or**
2. a reduction of old style Employment and Support Allowance, if after that reduction the claimant was entitled to Universal Credit, new style Employment and Support Allowance or new style Jobseeker's Allowance, and was subsequently entitled to an existing benefit

if they are awarded Universal Credit again and there is a sanctionable failure¹.

Note: See ADM Chapter V8 and S8 for guidance on where a Universal Credit claimant is subsequently entitled to an existing benefit.

1 UC (TP) Regs (NI) 16, reg 32(3); ESA Regs (NI) 08, reg 63

Example

Maddie is entitled to Employment and Support Allowance. She fails to attend a Work Focused Interview on 15.1.18, for which a one week fixed period reduction is imposed. Maddie then fails to undertake work-related activity on 28.5.18, and as this is within 52 weeks of the failure on 15.1.18, a two week fixed period reduction is imposed following compliance. The fixed period begins on 12.6.18.

David has been entitled to Universal Credit since 14.5.18. On 24.6.18 he moves in with Maddie. David and Maddie are entitled as joint claimants from 14.6.18. Their award is reduced for a period of 12 days, the balance of the Employment and Support Allowance two weeks fixed period reduction.

On 3.9.18 Maddie fails for no good reason to attend a work focused interview. She phones up on 11.9.18 and agrees to attend a work focused interview. When calculating the reduction period, the decision maker treats the failure of 15.1.18 as incurring a seven day reduction period, and the failure of 28.5.18 as incurring a 14 day reduction period. David and Maddie's award of Universal Credit is reduced for a total period of 36 days (eight days for the period before compliance, and 28 days as the previous failure within 365 days was for 14 days).

M6290 – M6299

Old style Jobseeker's Allowance sanctions

M6300 Where

1. an award of Universal Credit is made to a claimant who was previously entitled to old style Jobseeker's Allowance **and**

2. on the relevant date (see M6281), the award of old style Jobseeker's Allowance was reduced because of a sanctionable failure (whether before or after 29.9.17)¹ **and**
3. in the case of joint-claim couples, the sanction applies to the member of the couple who is subsequently awarded Universal Credit

the Jobseeker's Allowance failure is treated as a higher-level, medium-level or low-level sanctionable failure for the purposes of Universal Credit². See ADM Chapter K3 (Higher-level sanctions), Chapter K4 (Medium-level sanctions) and Chapter K5 (Low-level sanctions) for further guidance.

1 JS (NI) Order 95, art 21 & 21A; JSA Regs (NI) 96, reg 69B; 2 UC (TP) Regs (NI) 16, reg 33(1) - (3)

M6301 Where M6300 applies

1. the award of Universal Credit is reduced as in M6302¹ **and**
2. the reduction is treated as a reduction in accordance with Universal Credit rules².

See ADM Chapter K1 for guidance on general principles for Universal Credit reduction periods.

1 UC (TP) Regs (NI) 16, reg 33(3)(b); 2 WR (NI) Order 15, art 31 & 32; UC (TP) Regs (NI) 16, reg 33(3)(c); UC Regs (NI) 16, reg 98

Period of reduction

M6302 The Universal Credit reduction period is the number of days equivalent to the length of the period of the reduction¹ less

1. the number of days (if any) in that period for which old style Jobseeker's Allowance was reduced **and**
2. if there was a gap between the end of the Jobseeker's Allowance award and the first date of entitlement to Universal Credit, the number of days (if any) in the period
 - 2.1 after the termination of the Jobseeker's Allowance award **and**
 - 2.2 before the start of the Universal Credit award².

1 JSA Regs (NI) 96, reg 69, 69A or 69B; 2 UC (TP) Regs (NI) 16, reg 33(4)

Amount of reduction

M6303 Where

1. the Jobseeker's Allowance award was to a joint-claim couple **and**
2. the failure was by one member of the couple

the daily reduction rate for the Universal Credit award is the amount specified for the purposes of Jobseeker's Allowance divided by seven and rounded down to the nearest 10 pence¹. See DMG Chapter 34 for guidance on Jobseeker's Allowance sanctions, and DMG Chapter 35 for Jobseeker's Allowance hardship.

Note: But see M6304 for exceptions.

1 JSA Regs (NI) 96, reg 70(3); UC (TP) Regs (NI) 16, reg 33(6) & (7); UC Regs (NI) 16, reg 108

M6304 M6303 does not apply if, at the end of the assessment period, the claimant for whom the reduction is imposed is¹

1. aged 16 or 17² **or**
2. subject to no work-related requirements³ because they
 - 2.1 are responsible for a child aged under one⁴ **or**
 - 2.2 are pregnant and within 11 weeks of the Expected Week of Confinement⁵ **or**
 - 2.3 were pregnant and within 15 weeks of confinement⁵ **or**
 - 2.4 are an adopter⁶ **or**
 - 2.5 are the foster parent of a child aged under one⁷ **or**
 - 2.6 have limited capability for work and work-related activity⁸ **or**
3. subject to a work focused interview only work-related requirement⁹.

The normal Universal Credit rules apply instead. See ADM Chapter K9 (Amount of reduction) for guidance on what reduction amounts apply.

*1 UC (TP) Regs (NI) 16, reg 33(6); 2 reg 108(2)(a); 3 WR (NI) Order 15, art 24; 4 art 24(2)(c);
5 UC Regs (NI) 16, reg 88(1)(c); 6 reg 88(1)(d); 7 reg 88(1)(f); 8 WR (NI) Order 15, art 24(2)(a);
UC Regs (NI) 16, reg 41; 9 WR (NI) Order 15, art 25*

Escalation

M6305 Where

1. the Universal Credit claimant fails for no good reason to comply with a work-related requirement **and**
2. the failure is a sanctionable failure **and**
3. the claimant was previously entitled to old style Jobseeker's Allowance

the decision maker should take into account any previous old style Jobseeker's Allowance sanctions, including a sanction carried forward to Universal Credit as in M6301, when determining what reduction period applies for the purposes of a higher-level, medium-level or low-level sanction¹. See ADM Chapter K3 (Higher-level sanctions), Chapter K4 (Medium-level sanctions) and Chapter K5 (Low-level

sanctions) for further guidance. See DMG Chapter 34 for guidance on Jobseeker's Allowance sanctions.

Note: See M6306 for when M6305 does not apply.

1 UC (TP) Regs (NI) 16, reg 34(1) & (2); UC Regs (NI) 16, reg 99, 100 & 101; JS (NI) Order 95, art 21 & 21A; JSA Regs (NI) 96, reg 69, 69A & 69B

M6306 When determining a reduction period for a higher-level, medium-level or low-level sanction as in M6305, no account is taken of

1. a reduction of old style Jobseeker's Allowance carried forward to Universal Credit as in M6301, if the claimant is subsequently entitled to an existing award
or
2. a reduction of old style Jobseeker's Allowance, if after that reduction the claimant was entitled to Universal Credit, new style Employment and Support Allowance or new style Jobseeker's Allowance, and was subsequently entitled to an existing award

if they are awarded Universal Credit again and there is a sanctionable failure¹.

Note: See ADM Chapter V8 (Employment and Support Allowance transition) and S8 (Jobseeker's Allowance transition) for guidance on where a Universal Credit claimant is subsequently entitled to an existing award.

1 UC (TP) Regs (NI) 16, reg 34(3); JS (NI) Order 95, art 21 & 21A; JSA Regs (NI) 96, reg 69B

Example

Rita is entitled to Jobseeker's Allowance. She fails to attend a training course on 15.1.18, for which a 4 week lower level fixed period reduction is imposed. Rita then fails to provide a CV on 28.5.18 and as this is within 52 weeks of the failure on 15.1.18, a 13 week fixed period reduction is imposed following compliance. The fixed period begins on 4.6.18.

Ben has been entitled to Universal Credit since 12.5.18. On 24.7.18 he moves in with Rita. Ben and Rita are entitled as joint claimants from 12.7.18. When Ben and Rita form a couple any sanction which has not yet been applied to Rita's Jobseeker's Allowance is transferred to the joint Universal Credit award. The balance of the sanction is converted into days (53 days) and added to Rita's total outstanding reduction period. This is applied to the first assessment period of the joint Universal Credit award i.e. 12.7.18 to 11.8.18(31 days), with the remaining 32 days applied until the outstanding period runs out i.e. 12.8.18 to 11.9.18 (31 days) and 12.9.18 to 13.9.18(1 day).

On 3.9.18 Rita again fails for no good reason to attend a training course, but after talking to her adviser she starts the course on 11.9.18. When calculating the

reduction period, the decision maker treats this as the third low-level sanction failure in Universal Credit and imposes an open ended sanction.

M6307 – M6309

Universal Credit claimant awarded existing benefit

M6310 Where

1. an award of Universal Credit terminates **and**
2. there is an outstanding reduction period **and**
3. the claimant is entitled to an existing award during the reduction period

the rules about the reduction period continuing after Universal Credit terminates (including where Universal Credit terminates before a determination has been made) does not apply¹, even if the claimant is awarded Universal Credit again. Instead, the reduction period ends on the first day of entitlement to the existing award². See ADM Chapter K8 (When the reduction period begins and ends) for guidance on termination of the reduction period.

1 UC (TP) Regs (NI) 16, reg 35(a); UC Regs (NI) 16, reg 104; 2 UC (TP) Regs (NI) 16, reg 35(b)

M6311 – M6314

Appeals

M6315 Where, after a claimant has been awarded Universal Credit

1. an appeal against a decision about the claimant's entitlement to old style Employment Support Allowance or Jobseeker's Allowance is finally determined
or
2. a decision about the claimant's entitlement to old style Employment Support Allowance or Jobseeker's Allowance is revised or superseded

the decision maker should consider whether the decision awarding Universal Credit, or any later supersession decisions, should be revised¹.

1 WR (NI) Order 15 (Comm No. 8 etc.) Order 17, art 25(1) & (2)

M6316 Where the decision maker considers it is appropriate to revise the Universal Credit decision, the revision should take into account

1. the decision about old style Employment Support Allowance or Jobseeker's Allowance
 - 1.1 as revised or superseded **or**
 - 1.2 as made by the Appeal Tribunal, Commissioner or court **and**
2. any findings of fact made by the Appeal Tribunal, Commissioner or court¹.

1 WR (NI) Order 15 (Comm No. 8 etc.) Order 17, art 25(3)

Example

Olivia's entitlement to old style Employment Support Allowance is terminated after she is found not to have limited capability for work following application of the work capability assessment. Olivia joins her partner John, who is entitled to Universal Credit. Olivia and John are entitled to Universal Credit as joint claimants. In the meantime, Olivia applies for mandatory reconsideration, but the decision is not changed, and she appeals to The Appeals Service. Her appeal is successful, and the tribunal places her in the work-related activity group.

Olivia and John's award of Universal Credit is revised to include the limited capability for work element from the first day of entitlement to Universal Credit. Olivia is also paid any arrears of old style Employment Support Allowance up to the day before the first day of Universal Credit entitlement.

M6317 – M6319

Loss of benefit penalties

Introduction

M6320 Where

1. a claimant is awarded Universal Credit
 - 1.1 within one month of the end of an award of Jobseeker's Allowance, Employment Support Allowance, Income Support or Housing Benefit¹ **or**
 - 1.2 at any time after previous entitlement to Working Tax Credit² **and**
2. the award in 1.1 or 1.2 was subject to a loss of benefit penalty³

the penalty continues to be applied to the Universal Credit award⁴.

Note: See ADM Chapter B2 (Restrictions on payment of benefit) for guidance on benefit offences and loss of benefit restrictions.

1 UC (TP) Regs (NI) 16, reg 36; 2 reg 38; 3 SS Fraud Act (NI) 01; TC Act 02; SS (LoB) Regs (NI);

4 UC (TP) Regs (NI) 16, regs 37 & 38

M6321 For Jobseeker's Allowance, Employment and Support Allowance, Income Support and Housing Benefit, the reduction rules for the previous benefit apply, instead of the normal Universal Credit rules for calculating the reduction. See M6325 and M6330 - M6335 for further details. But see M6326 - M6328 for exceptions.

M6322 For Working Tax Credit, the Universal Credit reduction rules apply. See M6345 for further details.

M6323 Where the claimant is subject to reductions as in M6321 **and** M6322, the reduction is subject to a maximum total reduction. See M6346 for details.

M6324

Transition from Jobseeker's Allowance, Employment and Support Allowance, Income Support or Housing Benefit

Introduction

M6325 Where

1. an award of Universal Credit is made to a claimant who is
 - 1.1 an offender who was entitled to an award of Jobseeker's Allowance, Employment and Support Allowance, Income Support or Housing Benefit (see M6330 - M6331) **or**

- 1.2 an offender and their former family member was entitled to an award of Jobseeker's Allowance, Employment and Support Allowance, Income Support or Housing Benefit (see M6332 - M6333) or
- 1.3 an offender's family member and the claimant or offender was entitled to an award of Jobseeker's Allowance, Employment and Support Allowance, Income Support or Housing Benefit (see M6334 - M6335) **and**
2. the offender or offender's family was entitled to an award of Jobseeker's Allowance, Employment and Support Allowance, Income Support or Housing Benefit within one month of the date the Universal Credit claim was made or treated as made **and**
3. payment of an award in 2. Was reduced to a loss of benefit penalty

subsequent payments of Universal Credit are reduced¹ for assessment periods which fall wholly or partly in the remainder of the disqualification period². See M6330 - M6335 for when this applies, and M6340 - M6343 for guidance on calculation of the amount of the reduction.

Note: The normal Universal Credit rules³ for calculating the amount of the reduction do **not** apply⁴. But see M6326 - M6328 for exceptions.

¹ UC (TP) Regs (NI) 16, reg 37; ² reg 36(5)(a); ³ SS (LoB) Regs (NI), reg 3ZB;

⁴ UC (TP) Regs (NI) 16, reg 36(5)(b)

Exceptions

M6326 M6325 does not apply if the award of Universal Credit is made more than one month after a previous award of Jobseeker's Allowance, Employment and Support Allowance, Income Support or Housing Benefit ended. The normal Universal Credit reduction rules apply to any remaining disqualification period. See ADM Chapter B2 (Restrictions on payment of benefit) for further guidance.

¹ SS (LoB) Regs (NI), reg 3ZB

M6327 M6325 does not apply if there was previous entitlement to old style joint-claim Jobseeker's Allowance where

1. on the relevant date, payment restrictions¹ applied (see M6328) **or**
2. the Universal Credit award is not made to joint claimants who were both entitled to joint-claim Jobseeker's Allowance on the relevant date.²

The normal Universal Credit rules apply instead, See ADM Chapter B2 (Restrictions on payment of benefit) for detailed guidance.

Note: See M6331, M6333 and M6335 for guidance on the relevant date.

1 SS Fraud Act (NI) 01, sec 7(2); UC (TP) Regs (NI) 16, reg 36(6)(a); 2 reg 36(5)(b)

M6328 The payment restrictions in M6327 1. are where

1. both members of the couple were subject to a loss of benefit penalty **or**
2. one member of the couple was subject to a loss of benefit penalty¹, and the other member was subject to a reduction of benefit due to a sanctionable failure².

Note: See DMG Chapter 34 for guidance on Jobseeker's Allowance sanctions and M6300-M6306 for guidance on transition of Jobseeker's Allowance sanctions to Universal Credit.

1 SS Fraud Act (NI) 01, sec 7(2)(a); 2 sec 7(2)(b); JS (NI) Order 95, art 21, 21A & 21B

M6329

Case 1

M6330 The guidance at M6325 applies where¹

1. an award of Universal Credit is made to a claimant who is an offender² **and**
2. the claimant was entitled, or would have been entitled if it had not terminated, to old style Jobseeker's Allowance, old style Employment and Support Allowance, Income Support or Housing Benefit within one month of the day the Universal Credit claim was made or treated as made **and**
3. on the relevant date, payments of old style Jobseeker's Allowance, old style Employment and Support Allowance, Income Support or Housing Benefit were restricted as a penalty for a benefit offence³.

1 UC (TP) Regs (NI) 16, reg 36(2); 2 SS Fraud Act (NI) 01, sec 5B & 6; 3 sec 5B, 6 & 7

M6331 For the purpose of M6330, the relevant date¹ is

1. the day on which the award of old style Jobseeker's Allowance, old style Employment and Support Allowance, Income Support or Housing Benefit terminated where the claimant was not entitled to any of those benefits on the day the Universal Credit claim was made or treated as made **or**
2. the day the Universal Credit claim was made where the claimant is not a new claimant partner and was entitled to old style Jobseeker's Allowance, old style Employment and Support Allowance, Income Support or Housing Benefit on that day **or**
3. the day the Universal Credit claim was treated as made where the claimant is a new claimant partner and was entitled to old style Jobseeker's Allowance,

old style Employment and Support Allowance, Income Support or Housing Benefit on that day.

1 UC (TP) Regs (NI) 16, reg 36(7)

Example 1

Donna's award of Jobseeker's Allowance is not payable while she is serving a 26 week disqualification period, which started on 12.1.18. She is not eligible for hardship. On 6.2.18 Donna's entitlement to Jobseeker's Allowance ends when she starts a temporary job which lasts for four weeks. The job ends on 3.3.18, and Donna claims Universal Credit on 6.3.19 as she satisfies the conditions. Donna's Universal Credit award is reduced for the remainder of the disqualification period.

Example 2

Claire is entitled to income-based Jobseeker's Allowance. Her award is subject to a three year penalty restriction. On 11.1.18 Claire is joined by her partner Matt, who has been entitled to Universal Credit as a single claimant since 18.10.17. Claire's award of income-based Jobseeker's Allowance is terminated on 19.12.17, as is Matt's award of Universal Credit. Matt and Claire are awarded Universal Credit as joint claimants from 19.12.17, and their award of Universal Credit is restricted for the remainder of the disqualification period.

Case 2

M6332 The guidance at M6333 also applies where¹

1. an award of Universal Credit is made to a claimant who is an offender² **and**
2. another person who was that offender's family member (but who is no longer) was entitled to old style Jobseeker's Allowance, old style Employment and Support Allowance, Income Support or Housing Benefit within one month of the day the Universal Credit claim was made or treated as made **and**
3. on the relevant date, payments of old style Jobseeker's Allowance, old style Employment and Support Allowance, Income Support or Housing Benefit were restricted as a penalty for a benefit offence³.

Note: For the purposes of 2., the offender's family member is the Universal Credit claimant's former partner.

1 UC (TP) Regs (NI) 16, reg 36(3); 2 SS Fraud Act (NI) 01, sec 5B & 6; 3 sec 8

M6333 For the purpose of M6332 the relevant date¹ is

1. the day the person entitled to old style Jobseeker's Allowance, old style Employment and Support Allowance, Income Support or Housing Benefit ceased to be the offender's family member **or**

2. the day the award of old style Jobseeker's Allowance, old style Employment and Support Allowance, Income Support or Housing Benefit terminated if earlier than the day in 1..

1 UC (TP) Regs (NI) 16, reg 36(7)

Example 1

John is entitled to Income Support for himself and his partner Lynne while he cares for his severely disabled mother. Lynne is convicted of a benefit offence for which a three year disqualification period is imposed, and John's award of Income Support is subject to a reduction from 20.4.17. John and Lynne separate on 25.11.17. John's award of Income Support as a single claimant continues without the reduction. Lynne claims Universal Credit as a single claimant from 5.12.17. Lynne's award of Universal Credit is reduced for the remainder of the disqualification period.

Case 3

M6334 The guidance at M6335 also applies where¹

1. an award of Universal Credit is made to a claimant who is an offender's family member² **and**
2. the offender, or the claimant, was entitled to old style Jobseeker's Allowance, old style Employment and Support Allowance, Income Support or Housing Benefit within one month of the day the Universal Credit claim was made or treated as made **and**
3. on the relevant date, payments of old style Jobseeker's Allowance old style Employment and Support Allowance, Income Support or Housing Benefit were restricted as a penalty for a benefit offence³.

1 UC (TP) Regs (NI) 16, reg 36(4); 2 SS Fraud Act (NI) 01, sec 8; 3 sec 5B, 6, 7 & 8

M6335 For the purpose of M6334 the relevant date¹ is

1. the day on which the award of old style Jobseeker's Allowance, old style Employment and Support Allowance, Income Support or Housing Benefit terminated where the claimant was entitled to any of those benefits but that entitlement terminated before the day the Universal Credit claim was made or treated as made **or**
2. the day the Universal Credit claim was made where the claimant is not a new claimant partner and was entitled to old style Jobseeker's Allowance, old style Employment and Support Allowance, Income Support or Housing Benefit on that day **or**
3. the day the Universal Credit claim was treated as made where the claimant is a new claimant partner and was entitled to old style Jobseeker's Allowance,

old style Employment and Support Allowance, Income Support or Housing Benefit on that day **or**

4. the earlier of the day a person ceased to be an offender's family member or the day the award of old style Jobseeker's Allowance, old style Employment and Support Allowance, Income Support or Housing Benefit terminated where the offender's family member was entitled to any of those benefits.

1 UC (TP) Regs (NI) 16, reg 36(7)

M6336 – M6339

Amount of reduction

M6340 Where M6325 et seq applies, the amount by which payment of Universal Credit is reduced in an assessment period is calculated by multiplying the daily reduction rate by the number of days in the assessment period¹. Where the disqualification ends during an assessment period, the amount by which Universal Credit is reduced in an assessment period is calculated by multiplying the daily reduction rate by the number of days in the assessment period which are in the disqualification period². However, the reduction must not exceed the claimant's standard allowance for an assessment period³. See M6341 - M6343 for guidance on the daily reduction rate. See ADM Chapter E2 (Benefit unit, awards and maximum amount) for guidance on assessment periods and the standard allowance.

Note: See M6346 for guidance where more than one reduction as in M6325 - M6335 and M6345 apply.

1 UC (TP) Regs (NI) 16, reg 37(1); 2 reg 37(2); 3 reg 37(6)

Daily reduction rate

M6341 Unless M6342 or M6343 apply, the daily reduction rate is calculated by

1. taking the amount equal to the amount by which payments of old style Jobseeker's Allowance, old style Employment and Support Allowance, Income Support or Housing Benefit were reduced¹ in the last complete week before the relevant date (see M6326) **and**
2. multiplying by 52 **and**
3. dividing by 365 **and**
4. rounding down to the nearest 10 pence².

Note: See M6343 for joint-claim Jobseeker's Allowance reduction rates.

1 SS Fraud Act (NI) 01, sec 5B & 6; SS (LoB) Regs (NI), reg 3, 3ZA & 17; 2 UC (TP) Regs (NI) 16, reg 37(3)

Example

Cordelia is aged 27, and is entitled to income-related Employment and Support Allowance for herself and her partner Andrei. Andrei is convicted of a benefit offence which took place before 1.4.18, and Cordelia's award of income-related Employment and Support Allowance is subject to a penalty reduction of £29.25 a week (40% reduction of the applicable amount for a single claimant aged 25 or over) with a 3 year disqualification period. Cordelia's award of income-related Employment and Support Allowance is terminated when she is found not to have limited capability for work, and the couple claims Universal Credit. The daily reduction applied to their Universal Credit award is $£29.25 \times 52 \div 365 = £4.16$ rounded down to £4.10. This equates to a reduction of £123 in a 30 day month, and £127.10 in a 31 day month.

M6342 Where the amount by which payments of old style Jobseeker's Allowance, old style Employment and Support Allowance, Income Support or Housing Benefit would have been reduced and, if the claimant had remained entitled to those benefits, that amount would have changed during the disqualification period because of uprating¹

1. the daily reduction rate is calculated as in M6341 except that for 1. the amount is the new amount by which payments would have been reduced **and**
2. any adjustment of the Universal Credit reduction takes effect from the start of the first assessment period after the date of change².

1 SS A (NI) Act 92, sec 132; 2 UC (TP) Regs (NI) 16, reg 37(4)

M6343 Where the claimant was previously receiving joint-claim Jobseeker's Allowance the daily reduction rate is calculated by

1. taking the amount of the standard allowance for Universal Credit joint claimants¹ **and**
2. multiplying by 12 **and**
3. dividing by 365 **and**
4. reducing by 60% **and**
5. rounding down to the nearest 10 pence².

1 UC Regs (NI) 16, reg 38; 2 UC (TP) Regs (NI) 16, reg 37(5)

Example

Courtney and Justin are entitled to joint-claim Jobseeker's Allowance. Courtney is convicted of a benefit offence with a three year disqualification period, and their award of Jobseeker's Allowance is reduced to include the single claimant applicable amount instead of the couple rate, with no hardship payable, i.e. £73.10 instead of £114.85 weekly. Justin finds temporary work, and the award of income-based Jobseeker's Allowance is terminated. Justin's job ends four weeks later, and the couple claims

Universal Credit. The daily reduction rate is $\pounds 498.89 \times 12 \div 365 - 60\% = \pounds 6.56$ rounded to $\pounds 6.50$. This is a reduction of $\pounds 195$ in a 30 day assessment period, and $\pounds 201.50$ in a 31 day assessment period.

M6344

Transition from Working Tax Credit

M6345 Where a Universal Credit claimant

1. was previously entitled to Working Tax Credit **and**
2. is an offender

the guidance on reduction of Universal Credit for benefit offences in ADM Chapter B2 applies as if the terms “disqualification period”, “offender” and “offender’s family member” had the same meanings as in Tax Credit provisions¹. This allows a penalty applied to a Working Tax Credit award to continue in relation to a Universal Credit award.

1 SS C&B (NI) Act 92, sec 133(1); TC Act 02, s 36A & 36C; SS (LoB) Regs (NI), reg 3ZB; UC (TP) Regs (NI) 16, reg 38

Example

Craig is single and entitled to Working Tax Credits, which is subject to a 100% reduction for a three year fraud penalty. Craig’s work ends, and he claims Universal Credit. The normal Universal Credit reduction rules apply. Craig had served one year of the penalty when he claimed Universal Credit. The daily reduction rate is $\pounds 317.82$ (standard monthly allowance) $\times 12 \div 365 = \pounds 10.44$, rounded down to $\pounds 10.40$. The monthly reduction varies for the remaining two years of the penalty according to the number of days in the month, so that in 30 day months Craig’s Universal Credit award is reduced by $\pounds 312$, and in 31 day months by $\pounds 322.40$.

Maximum total reduction

M6346 Where reductions as in M6330 - M6335¹ and M6345² apply, the total amount of the reduction must not exceed the amount of the standard allowance³ applicable for the reduction period⁴.

1 UC (TP) Regs (NI) 16, reg 36; 2 reg 38; SS (LoB) Regs (NI), reg 3ZB; 3 WR (NI) Order 15, art 14; 4 UC (TP) Regs (NI) 16, reg 39

Example

Richard is aged 30 and is entitled to Working Tax Credit and Housing Benefit. He was convicted of a benefit offence and has served one year of a three year penalty. His award of Working Tax Credit is subject to a 100% reduction, while the Housing

Benefit award is subject to a 40% reduction. Richard claims Universal Credit after his job ends.

The daily rate reduction for the Working Tax Credit penalty is £317.82 (Universal Credit standard monthly allowance) $\times 12 \div 365 = \text{£}10.44$, rounded down to £10.40. The daily rate reduction for the Housing Benefit penalty is £73.10 (Housing Benefit weekly personal allowance) $\times 40\% = \text{£}29.24$ rounded to £29.25 $\times 52 \div 365 = \text{£}4.16$ rounded to £4.10. The total daily reduction is $\text{£}10.40 + \text{£}4.10 = \text{£}14.50$. As this amount multiplied by the number of days in a month exceeds the standard monthly allowance of £317.82 in any month, the total maximum reduction is £317.82.

M6347 – M6699

Treatment of arrears of benefit and concessionary payments of £5,000 or more

M6700 Where

1. a person has received a payment of arrears or compensation for non-payment of arrears of benefit of £5,000 or more **and**
2. the payment
 - 2.1 is received during the current Universal Credit award and the payment would be disregarded from the calculation of capital of the claimant if the claimant were entitled to an existing benefit¹ (see M6003) or State Pension Credit **or**
 - 2.2 was received during an award of an existing benefit or State Pension Credit (the earlier award) and the claimant became entitled to the current Universal Credit award within one month of the date of termination of the earlier award and the payment was disregarded from the calculation of the claimant's capital for the purposes of the earlier award **and**
3. the period of entitlement to benefit to which the payment of arrears or compensation relates, begins before the first day on which the abolition of existing benefits comes into force (that is, when a claim for or an award of Universal Credit is made - see Chapter M5 (Claims for Universal Credit))

the payment is disregarded for a period of 12 months from the date of receipt of the payment or until the termination of the current award, whichever is the later².

1 UC (TP) Regs (NI) 16, reg 2(1); 2 reg 8

Example 1

Glyn is entitled to Universal Credit. His award began on 17.5.18 when his circumstances changed and he had to claim Universal Credit. On 23.10.18 he receives a payment of £6,802.03 arrears of income-related Employment and Support Allowance after the decision converting an award of Housing Benefit to Employment and Support Allowance is revised for official error. Glyn's award of Universal Credit ends on 3.2.20 when he claims State Pension Credit. The payment is disregarded as capital for the whole of Glyn's award of Universal Credit.

Example 2

Chantelle is entitled to Income Support as a lone parent, as well as Personal Independence Payment standard daily living component. In April 2019 she receives a payment of £7,099.65 arrears of Personal Independence Payment after her Personal Independence Payment award is superseded for error of law to include the

mobility component from 28.11.16. The payment is disregarded as capital for the purposes of Income Support. On 10.7.19 Chantelle's award of Income Support ends when her youngest child reaches the age of 5. Chantelle claims and is awarded Universal Credit from 11.7.19. The remaining amount of arrears of Personal Independence Payment continues to be disregarded as capital for the purposes of Universal Credit.

M6701 – M6709

Transitional Severe Disability Premium element

Introduction

M6710 [See ADM Memo 1/24] Where

1. an award of Universal Credit is made to a single claimant or joint claimants **and**
2. the conditions in paragraphs M6730 - M6735 are satisfied

the Universal Credit award includes a transitional Severe Disability Premium element¹. But see paragraph M6770 for where a transitional Severe Disability Premium element is not included.

Note: See also paragraphs M6766 - M6767 for guidance on reduction and termination of the transitional Severe Disability Premium element.

1 UC (TP) Regs (NI) 16, Sch 2, paras 1 - 4

Universal Credit entitlement begins before 27.1.21

M6711 Where the first day of entitlement to an award of Universal Credit begins before 27.1.21, the provisions for the transitional Severe Disability Premium amount as set out in Appendix 1 to this Chapter continue to apply if appropriate¹. This includes awards made where the time for claiming is extended back to a date before 27.1.21.

1 UC (TP) (SDP) (Amdt) Regs (NI) 21, reg 3

Example

Andreas is entitled to income-related Employment and Support Allowance including the higher rate Severe Disability Premium for himself and his partner Mykaela. Both are entitled to the daily living component of Personal Independence Payment. On 20.1.21 the couple separates, and both claim Universal Credit as single claimants. The decision maker determines that Andreas's claim made on 8.2.21 is in time for claiming from 20.1.21. As he satisfies and continues to satisfy the Severe Disability Premium conditions, his award of Universal Credit includes the transitional Severe Disability Premium amount. Mykaela claims Universal Credit on 28.1.21. She meets the first and second conditions, so her award of Universal Credit includes the transitional Severe Disability Premium element.

M6712 – M6729

The first condition

M6730 The first condition is that the award of Universal Credit is not made because the claimant formed a couple where the other member of the couple was already entitled to Universal Credit¹.

1 UC (TP) Regs (NI) 16, Sch 2, para 2

Example 1

Gary is entitled to Income Support as a lone parent. His award includes the Severe Disability Premium. He moves in with his partner Lexi who is entitled to Universal Credit as a single claimant. Gary and Lexi are treated as claiming Universal Credit as joint claimants. As the couple do not meet the first condition, they are not entitled to the transitional Severe Disability Premium element.

Example 2

Caroline is entitled to income-related Employment and Support Allowance which includes the Severe Disability Premium. She is joined by her partner Miguel who is entitled to Universal Credit as a single claimant. His award includes the transitional Severe Disability Premium amount. Caroline and Miguel are treated as claiming Universal Credit as joint claimants. As Miguel's entitlement to the transitional Severe Disability Premium amount terminated with his Universal Credit award, and the couple do not meet the first condition, their Universal Credit award as joint claimants cannot include the transitional Severe Disability Premium element.

M6731 – M6734

The second condition

M6735 The second condition is that

1. the claimant was
 - 1.1 entitled **or**
 - 1.2 a member of a couple, the other member of which was entitled to an award of Income Support, income-based Jobseeker's Allowance or income-related Employment and Support Allowance which included the Severe Disability Premium within one month immediately before the first day of the Universal Credit award **and**
2. the conditions for eligibility for the Severe Disability Premium continued to be satisfied up to and including the first day of the Universal Credit award¹.

Note 1: This does not apply to awards of Housing Benefit where the Severe Disability Premium is included in the calculation of the award.

Note 2: When considering whether someone's award in M6735 included the Severe Disability Premium, the guidance in DMG 23239 and DMG 44159 about disregarding backdated payments of Carer's Allowance or Universal Credit carer element does not apply².

1 UC (TP) Regs (NI) 16, Sch 2, para 3; 2 Sch 2, para 9; JSA Regs (NI), Sch 1, para 15(7) & 20I(6); IS (Gen) Regs (NI), Sch 2, para 13(3ZA); ESA Regs (NI) 08, Sch 4, para 6(6)

Example 1

Raphael is entitled to income-related Employment and Support Allowance which includes the Severe Disability Premium, as well as Personal Independence Payment and Housing Benefit. On 5.2.21 he has a relevant change of circumstances and claims and is awarded Universal Credit from 5.2.21. Raphael's awards of income-related Employment and Support Allowance and Housing Benefit terminate on 19.2.21. On 5.2.21 his daughter Gina also moves into his accommodation so that she can care for him. As Gina is a non-dependant, Raphael does not meet the Severe Disability Premium conditions from that date, so is not entitled to the transitional Severe Disability Premium element.

Example 2

Chisa is entitled to Income Support as a lone parent. She is also entitled to Child Tax Credit and Personal Independence Payment, and her Income Support award includes the Severe Disability Premium. Chisa's youngest child reaches age 5, and as she does not satisfy any other Income Support condition of entitlement, the award terminates on 9.2.21. Chisa claims and is awarded Universal Credit from 10.2.21. Her award includes the transitional Severe Disability Premium element.

Example 3

Ashley is entitled to income-related Employment and Support Allowance including the Severe Disability Premium. On 23.2.21 she moves in with her partner Chad, who is entitled to income-related Employment and Support Allowance also including the Severe Disability Premium, as well as Housing Benefit and Child Tax Credit for his two children. Ashley and Chad claim Universal Credit as joint claimants, and as they meet both the first and second conditions, their Universal Credit award includes the transitional Severe Disability Premium element.

Example 4

Igor is entitled to income-related Employment and Support Allowance for himself and his partner Magdalena. His award includes the higher rate Severe Disability Premium, as both members of the couple are entitled to Personal Independence Payment daily living component. On 15.2.21 the couple separates, and they both

claim Universal Credit as single claimants. They both satisfy the first and second conditions, so both Universal Credit awards may include the transitional Severe Disability Premium element.

M6736 – M6759

Amount of transitional Severe Disability Premium element [See ADM Memo 15/23]

M6760 Where the first and second conditions are satisfied, the Universal Credit award calculation includes the transitional Severe Disability Premium element, which is treated as an additional amount included in the maximum amount before the deduction of income¹. See E2170 for guidance on the maximum amount.

1 UC (TP) Regs (NI) 16, Sch 2, para 4; WR (NI) Order 15, art 13(2) & (3)

First assessment period

M6761 [See ADM Memo 15/23] In the first assessment period of the Universal Credit award, the transitional Severe Disability Premium element

1. for a single claimant¹
 - 1.1 £132.12 if the limited capability for work-related activity element is included **or**
 - 1.2 £313.79 if the limited capability for work-related activity element is not included **or**
2. for joint claimants²
 - 2.1 £445.91 if the higher Severe Disability Premium rate³ is payable on the first day of the Universal Credit award and no person has since become a carer for either of them **or**
 - 2.2 £132.12 if 2.1 does not apply and the limited capability for work-related activity element is included for either of the claimants **or**
 - 2.3 £313.79 if 2.1 does not apply and the limited capability for work-related activity element is not included for either of the claimants.

Note 1: See paragraph 5 of Appendix 1 to this Chapter and DMG Chapters 23 and 44 for the meaning of higher Severe Disability Premium rate.

Note 2: See M6762 - M6764 for further guidance on when the higher rate Severe Disability Premium is payable.

1 UC (TP) Regs (NI) 16, Sch 2, para 5(a); 2 para 5(b); 3 IS (Gen) Regs (NI), Sch 2, para 15(5)(b); JSA Regs (NI) 96, Sch 1, para 20(6)(b); ESA Regs (NI) 08, Sch 4, para 11(2)(b)

When is the higher rate Severe Disability Premium payable

M6762 When considering whether the higher Severe Disability Premium rate is payable, the guidance in DMG 23239 and DMG 44159 about disregarding backdated payments of Carer's Allowance or the Universal Credit carer element does not apply¹.

1 UC (TP) Regs (NI) 16, Sch 2, para 9; IS (Gen) Regs (NI), Sch 2, para 13(3ZA); JSA Regs (NI), Sch 1, para 15(7) and 20(6); ESA Regs (NI), Sch 4, para 6(6)

M6763 The Universal Credit claimant may not be entitled to the Severe Disability Premium as part of an existing award of Income Support, income-based Jobseeker's Allowance or income-related Employment and Support Allowance on the date the Universal Credit award begins. Entitlement may end up to 2 weeks after the Universal Credit award begins due to the two week run-on (see M6124 - M6128) but may have ended within the month immediately before the Universal Credit award begins. When determining the amount of the transitional Severe Disability Premium element to be included, the decision maker should consider whether the conditions for the higher Severe Disability Premium rate were met on the first day of Universal Credit entitlement, whether or not it was actually in payment on that date.

Meaning of carer

M6764 A carer is a person who

1. is entitled to and in receipt of Carer's Allowance **or**
2. has an award of Universal Credit which includes the carer element

in respect of caring for a Universal Credit claimant for whom a transitional Severe Disability Premium payment is being considered¹.

1 UC (TP) Regs (NI) 16, Sch 2, para 8(2)

Example 1

Mykhail is entitled to Income Support for himself and his partner Yuliya as carer for their disabled child Fedir. Mykhail is entitled to Carer's Allowance. Both Mykhail and Yuliya are entitled to the standard rate of the daily living component of Personal Independence Payment and Mykhail's award includes the higher couple rate of Severe Disability Premium. Fedir moves into sheltered accommodation and Mykhail stops caring for him. Mykhail and Yuliya claim Universal Credit on 11.7.23 after Mykhail's award of Income Support ends. Mykhail states that he is caring for Yuliya, and the carer element is included in his award from 11.7.23. As neither of the claimants is entitled to the limited capability for work and work-related activity element, the couple's Universal Credit award includes the transitional Severe Disability Premium element of £313.79 from the first assessment period.

Example 2

Farukh is entitled to income-related Employment and Support Allowance including the support component for herself and her partner Nabil. Both Farukh and Nabil are entitled to the daily living component of Personal Independence Payment and Farukh's award of income-related Employment and Support Allowance includes the higher couple rate of Severe Disability Payment. Nabil is entitled to Housing Benefit. On 26.7.23 the couple claim Universal Credit following a change of address. Nabil states that he is caring for Farukh. As Farukh is entitled to the limited capability for work and work-related activity element from the first day of Universal Credit entitlement, the couple's award of Universal Credit includes the transitional Severe Disability Premium element of £132.12 from the first assessment period.

M6765

Second and subsequent assessment periods

M6766 For subsequent assessment periods, the transitional Severe Disability Premium element is treated as if it were a transitional element included in the Universal Credit award as part of the managed migration process¹. The amount of the transitional Severe Disability Premium element awarded in the first assessment period is therefore subject to reduction and termination in the same way as the transitional element². It can also be included in subsequent Universal Credit awards where the conditions are satisfied³.

1 UC (TP) Regs (NI) 16, Sch 2, para 6; 2 reg 56(2); reg 58

M6767 Detailed guidance on reduction, termination and subsequent awards of the transitional element is in Chapter M7 (Managed migration and transitional protection).

M6768 – M6769

When is the Severe Disability Premium element not included

M6770 A transitional Severe Disability Premium element cannot be included in an award of Universal Credit made on a qualifying claim where the award includes a transitional element¹. See Chapter M7 (Managed migration and transitional protection) for detailed guidance on the managed migration process, qualifying claims and the transitional element.

1 UC (TP) Regs (NI) 16, Sch 2, para 7; reg 49, 53, 54, 55 & 56

Example

Floyd is entitled to income-related Employment and Support Allowance including the higher rate Severe Disability Premium for himself and his partner Errol. Both

members of the couple are entitled to the standard daily living component of Personal Independence Payment, and both have limited capability for work. Floyd and Errol are issued with a migration notice requiring them to claim Universal Credit by 4.9.21. On 21.6.21 Errol has a stroke and is admitted to hospital before being moved to a residential care home in August where he is expected to remain for at least six months. Both Floyd and Errol claim Universal Credit before 4.9.21, but as they are not treated as a couple for the purposes of Universal Credit, neither of them is entitled to a transitional element.

However, both Floyd and Errol are entitled to the transitional Severe Disability Premium element as both satisfy the first and second conditions at M6730 and M6735.

The additional amount

M6771 From the first assessment period beginning on or after 14.2.24, an additional amount is added to the transitional Severe Disability Premium element (or transitional Severe Disability Premium amount - see Appendix 1) where a claimant had certain premiums in their legacy benefit. Where

1. the claimant is entitled to a transitional Severe Disability Premium element or a transitional Severe Disability Premium amount (or was previously entitled to either, but those have eroded to nil)¹ **and**
2. within the month immediately preceding the first day of the Universal Credit award the claimant was entitled (or was a member of a couple where the other member was entitled) to
 - 2.1 Income Support
 - 2.2 income-based Jobseeker's Allowance
 - 2.3 income-related Employment and Support Allowance **or**
 - 2.4 Child Tax Credit **and**
3. that benefit included
 - 3.1 an enhanced disability premium
 - 3.2 a disability premium
 - 3.3 a disabled child premium **or**
 - 3.4 a disabled child element at the disabled rate - but not the severely disabled rate **and**
4. the claimant continued to satisfy the conditions for eligibility to the premiums or elements up to and including the first day of their Universal Credit award **and**

5. where **3.3** or **3.4** applies, the claimant must also be entitled to the lower rate of the disabled child addition in their Universal Credit award².

1 UC (TP) Regs (NI) 16, Sch 3, para 1; 2 Sch 3, para 4

M6772 At present M6771 only applies for new natural migration claimants (as at 14.2.24). For claimants already in receipt of Universal Credit the payments will be arranged in a time and manner to be decided by the Department¹.

Note 1: If the transitional Severe Disability Premium element (or transitional Severe Disability Premium amount) has already eroded to nil, the additional amount will become a new transitional Severe Disability Premium element².

Note 2: As part of the transitional Severe Disability Premium element the additional amount erodes in the same way as the transitional Severe Disability Premium element.

1 UC (TP) Regs (NI) 16, Sch 3, para 6; 2 Sch 3, para 3

How much is the additional amount?

M6773 The additional amount is

1. for a single claimant
 - 1.1 with an enhanced disability premium, £94.61
 - 1.2 with a disability premium, £193.73
 - 1.3 with a disabled child premium or disabled child element, £199.37 per disabled child or qualifying young person
2. for joint claimants
 - 2.1 with an enhanced disability premium, £135.17
 - 2.2 with a disability premium, £277.08
 - 2.3 with a disabled child premium or disabled child element, £199.37 per disabled child or qualifying young person¹.

1 UC (TP) Regs (NI) 16, Sch 3, para 5

M6774 – M6799

Failure to terminate existing benefits cohort

M6800 There have been some cases where a claimant's existing benefits were not terminated, despite the claimant failing to provide identity verification. Existing benefits should terminate where a claim to Universal Credit is unsuccessful.

M6801 This cohort of claimants will be notified they must claim Universal Credit within a month. If they do so (and are awarded Universal Credit)¹ they will be treated as if they were legally entitled to the legacy benefits to which they were erroneously in receipt, only for the purposes of

1. any limited capability for work or limited capability for work and work-related activity determination in their Employment and Support Allowance award being used in their Universal Credit award²
2. any entitlement to income-related Employment and Support Allowance, income-based Jobseeker's Allowance or Income Support, with a Severe Disability Premium, in the month prior to the Universal Credit award, being used for the purposes of entitlement to the transitional Severe Disability Premium element³
3. any entitlement to income-related Employment and Support Allowance, income-based Jobseeker's Allowance or Income Support, with an Enhanced Disability Premium, a Disability Premium, or Child Disability Premium, in the month prior to the Universal Credit award, being used for the purposes of entitlement to the additional amount of the transitional Severe Disability Premium element⁴.

*1 UC (TP) Regs (NI) 16, reg 64A(1)(a) & (3)(c); 2 reg 19, 20 & 64A(1) & (2);
3 reg 64A(3) & (4), Sch 2, para 3(a); 4 reg 64A(5) & (6), Sch 3, para 4*

M6802 – M6999

Appendix 1 [See ADM Memo 1/24]

Transitional Severe Disability Premium amount

- 1 The guidance in this Appendix applies to all Universal Credit awards made to people previously entitled to the Severe Disability Premium where Universal Credit entitlement begins before 27.1.21. For all awards made from and including 27.1.21, see M6710 et seq.

Note: In this Appendix, references to the Universal Credit (Transitional Provisions) Regulations are to the law as in force before 27.1.21, when the transitional Severe Disability Premium amount was replaced by the Severe Disability Premium element².

1 UC (TP) (SDP) (Amdt) Regs (NI), reg 3; 2 reg 2

Introduction

- 2 Before claiming Universal Credit, a claimant who had an award of Income Support, income-based Jobseeker's Allowance or income-related Employment and Support Allowance and was a severely disabled person may have been entitled to the lower or higher Severe Disability Premium rate¹.

Note: Detailed guidance on the Severe Disability Premium qualifying conditions, the lower and higher Severe Disability Premium rates, and the meaning of a severely disabled person, is in DMG Chapter 23 for Income Support and Jobseeker's Allowance and DMG Chapter 44 for Employment and Support Allowance.

1 IS (Gen) Regs (NI), reg 17(1) & Sch 2, para 13; JSA Regs (NI) 96; reg (83)(1)(e) & Sch 1, para 15; ESA Regs (NI) 08, reg 67(1)(b) & Sch 4, para 6

- 3 A payment known as the transitional Severe Disability Premium amount may be paid to Universal Credit claimants who were previously entitled to the Severe Disability Premium and satisfy the conditions in paragraph 10¹.

1 UC (TP) Regs (NI) 16, reg 4 & Sch 2

- 4 This includes where Universal Credit is awarded despite any restriction on claiming Universal Credit (see ADM Chapter M5 (Claims for Universal Credit)), or where entitlement to the Severe Disability Premium was awarded in respect of the existing award after an award of Universal Credit was made.

Definitions

Meaning of lower Severe Disability Premium rate and higher Severe Disability

Premium rate

- 5 The lower Severe Disability Premium rate and the higher Severe Disability Premium rate are the rates specified for Income Support, income-based Jobseeker's Allowance and income-related Employment and Support Allowance¹. See DMG Chapters 23 and 44 for detailed guidance on the conditions for the lower and higher Severe Disability Premium rates.

1 UC (TP) Regs (NI) 16, Sch 2, para 8; IS (Gen) Regs (NI), Sch 2, para 13; JSA Regs (NI) 96, Sch 1, para 15; ESA Regs (NI) 08, Sch 4, para 6

Meaning of qualifying partner

- 6 For joint claimants where the lower Severe Disability Premium rate was previously payable, the qualifying partner is the member of the couple who¹

1. has no carer **or**
2. was not the partner who satisfied the condition for Severe Disability Premium only as a patient.

1 UC (TP) Regs (NI) 16, Sch 2, para 8

Meaning of carer

- 7 A carer is a person who
1. is entitled to and in receipt of Carer's Allowance **or**
 2. has an award of Universal Credit which includes the carer element
- in respect of caring for a Universal Credit claimant for whom a transitional Severe Disability Premium payment is being considered¹.

1 UC (TP) Regs (NI) 16, Sch 2, para 8

Meaning of conversion day

- 8 The conversion day is a date which will be determined by the Department with regard to the efficient administration of Universal Credit¹. See paragraph 20 for the effect of the conversion day on the transitional Severe Disability Premium amount.

1 UC (TP) Regs (NI) 16, Sch 2, para 8

- 9 On 21.9.20 the Department determined that the conversion day is

1. 8.10.20 for awards of Universal Credit where the payment of the transitional Severe Disability Premium amount was determined on or before that date **or**
2. in any other case, the date on which that payment was determined.

When is a transitional Severe Disability Premium amount payable

10 Where it is identified that

1. an award of Universal Credit has been made on a claim in respect of a claimant who within the period of one month immediately before the first day of Universal Credit entitlement was entitled to Income Support, income-based Jobseeker's Allowance or income-related Employment and Support Allowance including the Severe Disability Premium¹ **and**
2. where the award of Income Support, income-based Jobseeker's Allowance or income-related Employment and Support Allowance ended during that month, the claimant continued to satisfy the Severe Disability Premium conditions for the remainder of the month² **and**
3. the Universal Credit award has not ended before the date on which the decision maker considers whether a determination about a transitional Severe Disability Premium payment can be made³ (see paragraph 11) **and**
4. the claimant or either of joint claimants continues to be entitled to⁴
 - 4.1 the care component of Disability Living Allowance **or**
 - 4.2 the daily living component of Personal Independence Payment **or**
 - 4.3 Armed Forces Independence Payment **or**
 - 4.4 Attendance Allowance **and**
5. no person has become a carer for⁵
 - 5.1 the single claimant **or**
 - 5.2 in the case of joint claimants
 - 5.2.a if Severe Disability Premium was payable at the higher rate, both of them **or**
 - 5.2.b if Severe Disability Premium was payable at the lower rate, the claimant who was the qualifying partner

the decision maker must determine the transitional Severe Disability Premium amount of Universal Credit payable. See 12 - 16 for guidance on the amount payable.

Note: No account is taken of the presence of a non-dependant who is not a carer at the date of the determination.

*1 UC (TP) Regs (NI) 16, Sch 2, para 1(a); 2 para 1(b); 3 para 1(c); 4 para 1(d);
ESA Regs (NI) 08, Sch 4, para 6; 5 UC (TP) Regs (NI) 16, Sch 2, para 1(e)*

11 A Universal Credit award ends when the claimant

1. no longer satisfies the Universal Credit conditions of entitlement **or**
2. becomes a member of a couple **or**
3. ceases to be a member of a couple¹.

1 UC (TP) Regs (NI) 16, Sch 2, para 1(c)

Example

Ann and Tony are entitled to Universal Credit. Before they were awarded Universal Credit, Tony was entitled to income-related Employment and Support Allowance for himself and Ann. Both he and Ann were in receipt of the middle rate care component of Disability Living Allowance. Tony's award of income-related Employment and Support Allowance included the higher Severe Disability Premium rate. By the time the Department examines the case, Tony and Ann's award of Universal Credit as joint claimants has terminated when they separate. Tony and Ann continue to be entitled to Universal Credit as single claimants, and they both continue to be entitled to Disability Living Allowance, but neither award can include the transitional Severe Disability Premium amount.

Transitional Severe Disability Premium amount

12 The transitional Severe Disability Premium amount is calculated in accordance with whichever of the circumstances in paragraphs 14 - 15 applies at the date of the determination as in paragraph 10¹. This means that even if the claimant's circumstances change at a later date, the transitional Severe Disability Premium amount continues to be included in the Universal Credit award.

Note 1: But see M6734 if the award does not include the limited capability for work-related activity element at the date of the determination, but it is included from a later date.

Note 2: If the Universal Credit award ends, for example on formation or separation of a couple, no further transitional Severe Disability Premium amount is included in any further award. This is because the condition in paragraph 10 **1.** would not be satisfied.

1 UC (TP) Regs (NI) 16, Sch 2, para 3

- 13 The transitional Severe Disability Premium is payable for each assessment period
1. before the determination in paragraph 10 is made i.e. from the beginning of the Universal Credit award **and**
 2. after that determination which begins before the conversion day¹. See paragraphs 8 - 9 for the meaning of conversion day.

Note: See paragraphs 17 - 19 for how payment of the transitional Severe Disability Premium amount is made.

1 UC (TP) Regs (NI) 16, Sch 2, para 1

Example

Clare is entitled to income-related Employment and Support Allowance and the standard daily living component of Personal Independence Payment as well as Housing Benefit. Her Employment and Support Allowance award includes the Severe Disability Premium and the work-related activity component. On 15.7.18 her circumstances change and she claims and is awarded Universal Credit from 15.7.18. Her awards of income-related Employment and Support Allowance and Housing Benefit terminate. Clare's award of Personal Independence Payment continues. She has no carer. On 6.8.19 the decision maker determines that Clare is entitled to a transitional Severe Disability Premium amount of £3,420 (12 x £285) for each assessment period from 15.7.18 until 14.7.19, and £285 for each assessment period from 15.7.19.

Single claimant

- 14 The transitional Severe Disability Premium amount for a single claimant is¹
1. £120 if the limited capability for work-related activity element is included in the Universal Credit award at the date of the determination **or**
 2. £285 if the limited capability for work-related activity element is not included.

Note: See paragraph 16 where the limited capability for work-related activity element was not included in the award in the date of the determination, but is included in a later assessment period.

1 UC (TP) Regs (NI) 16, Sch 2, para 2(a)

Joint claimants

- 15 The transitional Severe Disability Premium amount for joint claimants is¹
1. £405 if the higher Severe Disability Premium rate was payable as part of the existing benefit and no person has become a carer for either or both claimants **or**

2. £120 if 1. does not apply and the limited capability for work-related activity element is included in the award at the date of the determination for either of them **or**
3. £285 if 1. does not apply and the limited capability for work-related activity element is not included in the award at the date of the determination for either or both of them.

1 UC (TP) Regs (NI) 16, Sch 2, para 2(b)

Note: See paragraph 16 where the limited capability for work-related activity element was not included in the award at the date of the determination, but is included in a later assessment period.

Limited capability for work-related activity element included after Universal Credit award begins

16 If the limited capability for work-related activity element was not included in the Universal Credit award at the date of the determination, but is included in a later assessment period, the amount for that period and each subsequent period before the conversion day is £120¹. The decision maker must make a further determination about the transitional Severe Disability Premium amount.

Note 1: This does not apply where paragraph 15 1. applies.

Note 2: See Chapter F5 (Limited capability for work-related activity element) for when the limited capability for work-related activity element is included.

1 UC (TP) Regs (NI) 16, Sch 2, para 4

Example

Darren is entitled to income-related Employment and Support Allowance and the standard daily living component of Personal Independence Payment as well as Housing Benefit. His Employment and Support Allowance award includes the Severe Disability Premium and the work-related activity component. On 15.7.18 he reports a change of circumstances and claims and is awarded Universal Credit from 15.7.18. His awards of income-related Employment and Support Allowance and Housing Benefit terminate. Darren's award of Personal Independence Payment continues. He has no carer.

On 6.8.19 the decision maker determines that Darren is entitled to a transitional Severe Disability Premium amount of £3,420 (12 x £285) for each assessment period from 15.7.18 until 14.7.19 and £285 for each assessment period from 15.7.19. Darren notifies on 25.11.19 that his health condition has deteriorated, and after the work capability assessment it is determined that Darren has limited capability for work-related activity. The limited capability for work-related activity element is included in

his award from 15.11.19. The decision maker determines that from 15.11.19 and each subsequent assessment period the transitional Severe Disability Premium amount is £120.

Payment of transitional Severe Disability Premium amount

17 The transitional Severe Disability Premium amount may be paid

1. as a lump sum **or**
2. by periodic payments **or**
3. as a lump sum followed by periodic payments¹.

1 UC (TP) Regs (NI) 16, Sch 2, para 3

18 Normally a lump sum will be paid for all complete assessment periods before the determination is made, followed by monthly payments from the assessment period in which the determination is made. See paragraphs 22 - 24 for further guidance on decision making.

Example 1

Neil's award of Income Support including the Severe Disability Premium was terminated when he reported a change of circumstances. He claimed Universal Credit from 14.12.17. The decision maker determined that Neil had limited capability for work, and the limited capability for work element was included in his Universal Credit award from the beginning of the first assessment period. Neil has remained entitled to the middle rate care component of Disability Living Allowance throughout his period of entitlement to Universal Credit. He has no carer. On 20.8.19 the decision maker determines that Neil satisfies the conditions for an award of the transitional Severe Disability Premium payment at the rate of £285 for each assessment period from 14.12.17. Neil is awarded a lump sum of £5,700 (20 x £285) for the assessment periods ending on 13.8.19, and a periodic payment of £285 for each further assessment period from 14.8.19.

Example 2

Shireen's award of income-related Employment and Support Allowance which included the Severe Disability Premium was terminated when she reported a change of circumstances. She claims and is awarded Universal Credit including the limited capability for work-related activity element from 17.6.18. Shireen has remained entitled to the middle rate care component of Disability Living Allowance throughout her period of entitlement to Universal Credit. She has no carer. On 20.8.19 the decision maker determines that Shireen satisfies the conditions for an award of the transitional Severe Disability Premium payment at the rate of £120 for each

assessment period from 17.6.18. Shireen is awarded a lump sum of £1,680 (14 x £120) for the assessment periods up to 16.8.19, and a periodic payment of £120 for each assessment period from 17.8.19.

- 19 Where all or part of the transitional Severe Disability Premium amount is paid as a lump sum, it is disregarded as capital for
1. the period of 12 months from when the lump sum is paid **or**
 2. if longer, the remainder of the Universal Credit award¹.

1 UC (TP) Regs (NI) 16, Sch 2, para 7

Example

Stewart and Elaine have been entitled to Universal Credit since 16.10.17. Stewart was previously entitled to Income Support and Housing Benefit including the Severe Disability Premium, and both Stewart and Elaine were entitled to the standard daily living component of Personal Independence Payment. They remain entitled to Personal Independence Payment and have no carer.

On 3.10.19 the decision maker determines that Stewart and Elaine satisfy the conditions for payment of the transitional Severe Disability Premium amount. Stewart and Elaine receive a lump sum payment of £9,315 (23 x £405) for the assessment periods up to 15.9.19, and £405 is included in their Universal Credit award for each assessment period from 16.9.19. The sum of £9,315 is disregarded as capital as long as Stewart and Elaine remain entitled to Universal Credit.

Conversion of transitional Severe Disability Premium amount

First assessment period

- 20 In the first assessment period which begins on or after the conversion day, the transitional Severe Disability Premium amount is treated as if it were an initial amount of a transitional element of Universal Credit as part of the managed migration process¹. This means that it is not subject to any reduction or termination as in subsequent assessment periods.

Note 1: See paragraphs 8 - 9 for the meaning of conversion day.

Note 2: See Chapter M7 (Managed migration and transitional protection) for guidance on when the transitional element is adjusted, terminated or included in a later award.

Note 3: The transitional Severe Disability Premium amount will always terminate in any assessment period where an award of Universal Credit ends on formation or separation of a couple².

1 UC (TP) Regs (NI) 16, reg 56(1) & (2), 57, 58 and Sch 2, para 5 & 6; 2 reg 57(1) & (4)

Second and subsequent assessment periods

- 21 For subsequent assessment periods, the transitional Severe Disability Premium amount is treated as if it had been converted to a transitional element included in the Universal Credit award as part of the managed migration process¹. The transitional Severe Disability Premium amount awarded as in paragraph 20 is therefore subject to reduction and termination in the same way as the transitional element². It can also be included in subsequent Universal Credit awards where the conditions are satisfied³.

1 UC (TP) Regs (NI) 16, Sch 2, para 6; 2 reg 56(2) & 57; 3 reg 58

Example 1

Sarah is entitled to Personal Independence Payment including the standard rate of the daily living component, as well as income-related Employment and Support Allowance and Housing Benefit including the Severe Disability Premium. On 16.4.19 she reports a change of circumstances and claims Universal Credit from the same date. The decision maker determines on 11.8.19 that Sarah's Universal Credit award should include the transitional Severe Disability Premium amount from 16.4.19. The payment is treated as a transitional element from 16.10.20.

Sarah was working for 15 hours a week when she claimed Universal Credit, and her earned income was more than the single administrative threshold. Her employment ended on 31.12.20, and for the assessment periods beginning on 16.12.20, 16.1.21 and 16.2.21 her earnings were less than the single administrative threshold. The transitional element is no longer included in Sarah's award from the assessment period beginning on 16.3.21.

Example 2

Reuben is entitled to Personal Independence Payment including the standard rate of the daily living component, as well as Income Support including the Severe Disability Premium, and Carer's Allowance. He is a carer for a nondependent relative, but his caring role ends when the relative moves to a residential care home. Reuben claims Universal Credit on 29.10.20, and his award includes the transitional Severe Disability Premium amount of £285, which is treated as a transitional element from the outset of the Universal Credit award.

Reuben's rent increases from £490 to £520 a month from 4.1.21. His housing costs increase by £30 from the assessment period beginning on 29.12.20, and the transitional element reduces to £255 from the same date.

Example 3

Sophie is entitled to Personal Independence Payment including the enhanced rate of the daily living component and is also entitled to Universal Credit including the transitional Severe Disability Payment amount, with the assessment period beginning on the 15th of the month. Sophie has limited capability for work-related activity and has no housing costs. Her Universal Credit award from 15.4.20 is

£323.22 standard allowance (modified to £409.89 due to Coronavirus measures)

£341.92 Limited capability for work-related activity element

£120 transitional Severe Disability Premium amount

Total: £785.14 (modified to £871.81).

From 15.4.21 the award includes

£324.84 standard allowance (modified to £411.51 due to Coronavirus measures)

£343.63 Limited capability for work-related activity element

£116.67 transitional element

Total: £785.14 (modified to £871.18).

The transitional Severe Disability Premium amount is treated as a transitional element from 15.10.20, and is reduced by £3.37, the amount by which Sophie's award increased due to uprating. The modified amount of the standard allowance is not used in the calculation of the reduction.

Example 4

Taylor is entitled to Personal Independence Payment including the standard rate of the daily living component, and income-related Employment and Support Allowance including the Severe Disability Premium. Their award of income-related Employment and Support Allowance ends on 8.11.18 when they start self-employment with earnings above the exempt work limits, and they are treated as not having limited capability for work. Taylor claims and is awarded Universal Credit from 13.11.18. The transitional Severe Disability Premium amount is included.

Decision making and appeals

- 22 Where the decision maker makes a determination that a transitional Severe Disability Premium amount is payable, this is an additional amount of Universal Credit which is included in the award. The decision maker should supersede the last decision

awarding Universal Credit on the grounds of a relevant change of circumstances, i.e. a change of law¹ to include the transitional Severe Disability Premium amount.

1 UC, PIP, JSA & ESA (D&A) Regs (NI) 16, reg 23(1)

23 The change of law takes effect on the day it is determined that all the conditions for payment of the transitional Severe Disability Premium amount are satisfied. The effective date of the decision is

1. the first day of the assessment period if the change in legislation has effect from that day **or**
2. in any other case, the first day of the assessment period beginning after the date on which the change had effect¹.

1 UC, PIP, JSA & ESA (D&A) Regs (NI) 16, Sch 1, para 32(a)

Note: See Chapter A4 (Supersession) for detailed guidance on supersession and the effective date for a change of law.

24 The decision embodying the determination about a transitional Severe Disability Premium amount has the right of mandatory reconsideration and appeal in the normal way. See Chapter A5 (Revision) and Chapter A6 (Appeals) for further details.

Appendix 2

Transitional Severe Disability Premium element amounts

1. The current amount of the transitional Severe Disability Premium element in the first assessment period can be found at M6761. This Appendix gives previous amounts of the transitional Severe Disability Premium element. For the transitional Severe Disability Premium amount, see Appendix 1.

Amounts from 27.1.21

2. The transitional Severe Disability Premium element is
 1. for a single claimant
 - 1.1 £120 if the limited capability for work and work-related activity element is included **or**
 - 1.2 £285 if the limited capability for work and work-related activity element is not included **or**
 2. for joint claimants
 - 2.1 £405 if the higher Severe Disability Premium rate was payable **or**
 - 2.2 £120 if 2.1 does not apply and the limited capability for work and work-related activity element is included for either of the claimants **or**
 - 2.3 £285 if 2.1 does not apply and the limited capability for work and work-related activity element is not included for either of the claimants.

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